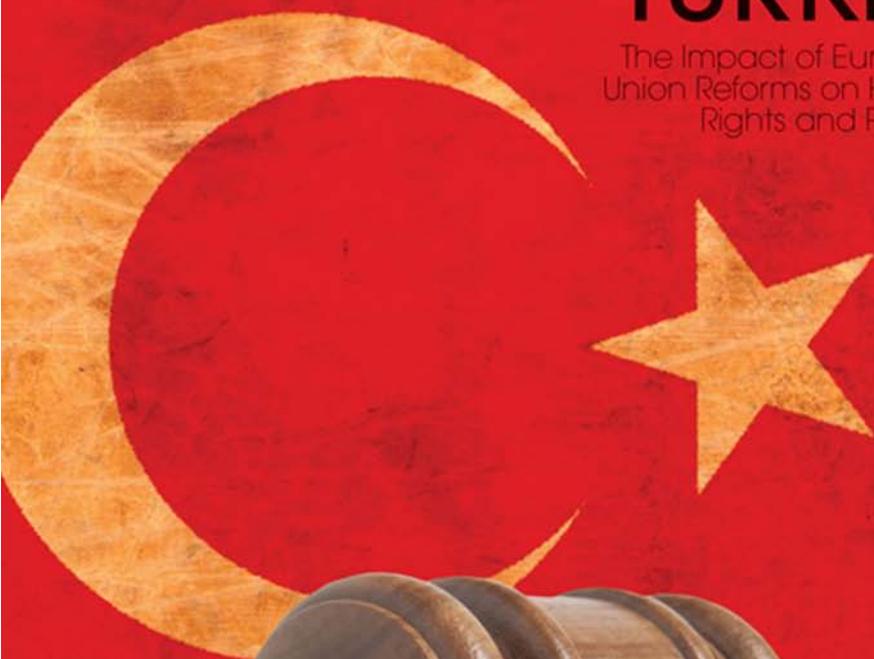
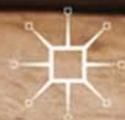


# INSTITUTIONAL CHANGE IN TURKEY

The Impact of European  
Union Reforms on Human  
Rights and Policing



Leila Piran



## Institutional Change in Turkey

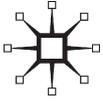
INSTITUTIONAL CHANGE IN TURKEY

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THE IMPACT OF EUROPEAN UNION  
REFORMS ON HUMAN RIGHTS  
AND POLICING

*LEILA PIRAN*

palgrave  
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INSTITUTIONAL CHANGE IN TURKEY  
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## Preface

This book stemmed from my interest in democratization and human rights reforms in military-dominated countries. Turkey represents a perfect fit as a single case study that despite its uniqueness bears resemblance to southern European countries including Greece, Portugal, and Spain. Although the original hypothesis assumed that the EU was the single driver of human rights reforms in Turkey, my field research uncovered the role of various elite actors including, but not limited to, human rights activists, lawyers, business leaders, professors, and journalists who are still striving for democratic reforms in Turkey.

Since I am deeply interested in endogenous institutional change, I focused on the Turkish National Police that emerged as a professional police force in the 1980s and has been involved in counterinsurgency and counterterrorism campaigns against the Kurdish Workers Party (PKK) and other internal threats to the Kemalist state. Since reform is not a foreign concept in contemporary Turkey and the Ottoman Empire, I conducted historical research to prove that the foundation and development of the current police force depended on the military's gradual tolerance and its cooperation with the civilian elite in the post-1980 coup after which the military stepped back and allowed Turgut Ozal to run the country.

Therefore, I have paid attention to that period particularly because the 1982 constitution that was drafted by the military junta remains the center of controversy until today in the sense that consecutive domestic and pro-EU reforms to the constitution still do not guarantee the fundamental rights and liberties of

Turkish citizens. Consequently, this book presents a broad introduction to institutional reform in Turkey, with a focus on policing and law enforcement. I demonstrate that the success of police reform in Turkey requires continued constitutional and judicial reforms. Meanwhile, the police has experienced limited success in controlling massive violations of human rights; however, its increasing role in counterinsurgency and counterterrorism efforts prevents democratic policing in Turkey. The statist tradition in Turkey has left structural and cultural scars that in turn have served as impediments to far-reaching and effective reforms. Therefore, a peaceful resolution to the Kurdish question remains of paramount importance.

This book is not a product of hours of solitary work, since my three professors Dr. Andrew Yeo, Dr. Mark Rozell, and Dr. Willard Hardman have my eternal gratitude for encouraging a pioneer study to take off the ground and bear fruition in the form of a book. My family and friends have supported me emotionally, physically, and spiritually throughout this enterprise. My parents, Pari and Cyrus Pezeshki, gave me the funds, confidence, and power to finish this project. They never stopped believing in me. My intelligent and loving fiancé, Hamid Reza Memarbashi, supported me tremendously. I hope he forgives me for not spending enough time with him as I was working on the manuscript frantically. I thank Farideh Koochi-Kamali, Sarah Nathan, and Isabella Yeager at Palgrave Macmillan. At last, I dedicate this book to the memory of my father, Manochehr Piran, who instilled the love of books in me from an early age.

# Introduction

Police reform is one of the most crucial and challenging undertakings in any society. It is particularly challenging, however, in conflict situations where the police have often perpetrated serious human rights violations. Many scholars and practitioners from various fields of study have explored internationally assisted police reform projects: These initiatives are often launched in post-conflict situations to enforce the role of law, accountability, and transparency. These police efforts imply a sudden change facilitated through external agents. Yet the theoretical debates on police reform have overlooked gradual institutional change within police departments during conflicts. Undoubtedly, the existing gap arises from the assumption that when confronted with domestic security challenges such as terrorism and insurgency, governments often do not have the political and economic incentives to initiate police reform. This study contributes to existing studies on historical institutionalism by tracing the antecedent historical processes and causal mechanisms that paved the way for gradual displacement of the Turkish National Police (TNP) from the military in the early 1980s.

After decades of warranted and unwarranted criticism and internal strife, the TNP has made quantum strides toward professionalization of the police force over the last 30 years. What caused this relatively sudden change? How has reform influenced the police and policing as practiced in Turkey? Is the European Union (EU) accession process an anchor or a trigger for police reform in Turkey? How and why do historically authoritarian institutions change in the aftermath of transition to civilian rule

subsequent to regime breakdown? I will explore these puzzles in this study.

The initial working hypothesis, based on conventional wisdom, assumed that the reforms were brought about by external pressure stemming from Turkey's desire to gain entry into the EU. However, as my research progressed, I discovered that this was not the case in Turkey. Many of the reforms appear to have been domestically initiated and then enhanced by EU demands and requirements in the aftermath of the 1999 Helsinki accession agreement.

Another initial working hypothesis, based on the police and democratization literature, surmised that sustained democratic rule is the most indispensable and important prerequisite for successful police reform. As my field research unfolded, a rival final hypothesis appeared plausible, namely, that order is a necessary and sufficient precondition to police reform. I define order as political stability, an important ingredient of democratic reform in all regime types including unconsolidated democracies oscillating between authoritarian rule and democracy such as Turkey.

Although police reform represents an integral component of human rights reforms and democratization internationally, there is a gap in the literature on police and police reform. There is an omission of explanations for causal mechanisms and processes that contribute to internally led police reform in military-dominated regimes. Therefore, this study makes a meaningful contribution to the theory and literature and perhaps even the practicum of reform and redevelopment. Turkey may represent a unique case, which is not peculiar given its geopolitical location and history; however, it may signify an approach that can have applicability elsewhere.

In order to reach the above conclusions, I have made the following assumptions. First, the government of Turkey will remain stable. Second, Turkey will continue to move toward the EU and use that process as justification for reform. Third, there will be no major shifts in Turkish foreign policy, although some emphasis may change such as its approach toward the Cyprus problem, an increased energy and security cooperation with its neighbors, and

its recent diplomatic scuffle with Israel. The Turkish government's dedicated commitment to a "zero problem with neighbors"<sup>1</sup> policy has fostered peaceful ties with the current government in Iraq and the Kurdish northern Iraqi government. In spite of the resurgence of Kurdish insurgency in the southeastern part of Turkey, the government does not seem distracted from its march toward the EU. Although the Turkish military has conducted counterinsurgency operations against the rebels in northern Iraq's borders, the conflict remains restricted to the border areas between the two countries in addition to occasional terrorist attacks in metropolitan cities in Turkey. Currently, the possibility of a national settlement of the Kurdish question or protracted counterinsurgency in retaliation against the Kurdish Workers Party (PKK) terrorist attacks remains slim. From the Turkish state elite's perspective, the state's indivisibility, security, and sovereignty represent the Republic's most critical foundations.

Both historians and Turks consider Turkey as the successor to the Ottoman Empire. Although not created until 1923, it is only one of the approximately 30 states created from that Empire. This nation-state inherited many of its cultural traditions from its Ottoman and Byzantine past, as well as from its long relations with Europe.

After the establishment of the Republic in 1923, a military general, Mustafa Kemal, later known as Atatürk, designed and implemented massive reforms that were the culmination of the Ottoman sultans' programs of modernization and Westernization. This emphasis on domestic reforms, facilitated by external pressures, is not new to Turkey. A transition to two-party democracy in 1950 did not guarantee regime stability. Since 1960, Turkey has experienced three military interventions and subsequent restoration to civilian rule. The massive civil disorder of the 1970s followed by the outbreak of the PKK rebellion in the early 1980s presented major challenges not only to its sovereignty, but also to the core principles of Kemalism.<sup>2</sup> The strong and centralized Turkish state generally maintained public order effectively in the 1970s. Faced with mounting violence and widespread public

disorder in the same decade, it turned to the army to declare martial law. Although preserving law and order fell under the police's jurisdiction, the state could not rely on that force because extremist groups had infiltrated and divided it along ideological lines. The public's disappointment with politicians and the police's inability to restore order culminated in the military staging another coup on September 12, 1980, and governing the country for the next two years. Clearly, the army's historical legacy as savior of the secular, democratic Republic did not leave any room for any other law enforcement agency such as the police.

In brief, my research reveals that it was not until the 1980s, specifically under Prime Minister Turgut Ozal's leadership, that the police began to emerge as a professional civilian force. The Kurdish insurgency in the southeastern part of the county and a sudden rise in terrorist attacks provided the opportunity for the police's cooperation with the army, whose strict military professionalism kept it from deploying troops where it was not legally sanctioned after the termination of martial law and emergency rule. Retrospectively, the institutional reform of the TNP and the expansion of its role in the country's internal security depended on the army's tolerance, especially following the latter's disengagement from politics after the restoration to civilian rule in 1983 when Turgut Ozal took office. In the next chapter, I will rely on an historical institutionalist approach to illustrate how this change occurred gradually over time through endogenous shifts in Turkey's domestic political landscape rooted in the Ottoman reforms.

## Methodology

I have employed the case study method because it permits "the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events."<sup>3</sup> To trace the causal pathway for institutional change, I have used process tracing since it offers an alternative way for

making causal inference based on a single case when it is not possible to do so through the method of controlled comparison. Process tracing allows for identifying single or different paths to an outcome, checks for spuriousness, and points out variables that I may have failed to consider in initial observations.<sup>4</sup>

Another objective of this study is to account for enduring effects of institutional structures and changes up to critical junctures that lead to subsequent sequences of events. Paying too much attention to the enduring effects of structures with inevitable outcomes undermines the importance of agency; therefore, presenting a historical narrative through process tracing allows actors to play autonomous causal roles in institutional reform.<sup>5</sup>

In order to explore the impact of the EU reforms on the TNP, I created a questionnaire in English and Turkish that was distributed to members of the TNP in 2007. The collected data reflect the experiences and views of both young and old policemen.<sup>6</sup> The majority of respondents had served in cities such as Ankara and Istanbul, but their professional experiences were not limited only to these cities in the sense that many of them had served throughout the counterinsurgency in the east and southeast of the country as part of their national military service. Therefore, many of the respondents were not specialized in a specific area of policing, in contrast to their Western counterparts.

Moreover, the respondents ranged from recent police academy graduates with less than a year of service in counterterrorism squads to policemen who have supervised antiriot units for the past 15 years. The average respondent had at least seven years of professional experience at the time of my research.

I assume that they are conscious of their occupational problems and are capable of providing valid and reliable responses to the questions. Sixty respondents returned their completed questionnaires, although I had initially distributed the forms to eighty-five members of the force. The Turkish police usually come from the middle and working strata of society; therefore, they are truly representative of those segments of Turkish society. Generally, the police are nationalist and conservative. In addition, the TNP

remains loyal to the government in office since the force is a public institution. The respondents answered this questionnaire knowing that their identities would remain anonymous. Their current place of service remains anonymous.

The data were collected following the non-probability purposive sampling method because it was not possible to access the police by calling police stations and requesting interviews. Since policing in Turkey is a politicized and a male-dominated profession, I conducted my research by targeting any TNP officers or chiefs depending on their willingness to participate. Therefore, snowball sampling served as a useful tool because access to police proved difficult at times.

Once I had established a certain degree of trust and rapport, I met with police officers and their supervisors in their offices located in the police stations or departments. In several instances, I met with interviewees at cafes, markets, or bookstores since they were not on duty. Since the majority of interviewees—including police officers—spoke English fluently, I did not have to rely on a translator's assistance frequently. When interviewing party officials, I took trustworthy translators to these meetings. Using a tape recorder could have led to interviewees' mistrust and suspicion, so I took detailed notes. This gave me the opportunity to ask for clarification that often led to the interviewees' elaborate and long monologues based on their perceptions of Turkish politics, human rights, and policing. These informal and leisurely discussions enabled me to gain more insight about how police officers, their instructors, party officials, and civil society actors perceive the EU process and its influence on Turkish politics.

Prior to my first research trip that lasted six months, I made contacts with TNP officials in the United States at two conferences and a Turkish embassy reception. However, my social contacts secured access to TNP officers upon my arrival there in January 2007. For the next several months, I managed to get most of the interviews that I had planned. However, the stand-off between the military and Prime Minister Erdogan resulted in an electronic memorandum that was posted on the military's

website, reiterating the military's position as the defender of the secular republic and warning against the weakening of secularism in society. A tense and uncertain political climate ensued as political parties organized popular demonstrations in favor of or against the government in Ankara, Istanbul, and Izmir.

Upon my return to the United States in June 2007, I distributed my questionnaire through a trusted and influential social contact who sent them to police officers in Istanbul. In 2008, I carried out the second round of field research. This time, I approached lawyers, human rights activists, journalists, university professors, and political party workers. The rise of anti-American and anti-EU sentiments blended with the ongoing internal power struggles and political crises, all of which hampered the possibility of gaining the needed access to conduct further field research on this topic. In addition to conducting primary research, I have relied on a comparative case study with Eastern European countries such as Bulgaria and Romania, which had faced very similar obstacles throughout their accession process as Turkey, in order to demonstrate the peculiarities of the broader controversial debate on Turkey's acceptance into the EU. Moreover, I place the case of Turkish police reform within the context of the wide array of constitutional, legal, and policy changes that Turkey has undertaken before and after the 1999 Helsinki summit when the EU offered that country a roadmap for accession. Clearly, police reform does not occur in a vacuum and requires the rule of law, transparency, and an independent judiciary at minimum to succeed.

## Overview of the Study

In chapter 1, I present a historical institutionalist account of the TNP's gradual change from an obscure law enforcement agency under the auspices of the military to a separate law enforcement agency trained to combat insurgency and terrorism. After laying out the theory that reveals the causes of this gradual change, I put forth the rival explanations drawn from the democratization,

Europeanization, and police reform literature. A thorough explanation of the merits of my theory and its contribution to the above literature follow. Lastly, I list the goal and the content of each chapter.

In chapter 2, I explore the role of the TNP within the bureaucratic structure of the Turkish state, keeping in mind that due to the EU accession process, Turkish governments starting from the Ozal administration to the present administration (2013) have had to address Turkey's human rights status. In particular, the EU has scrutinized and monitored the police's conduct, especially in the aftermath of the 1980 coup as well as during the Kurdish insurgency. In addition, I examine how the police fit into society during the 1970s, 1980s, and the period after Ozal took office and implemented reforms to professionalize the police, elucidating the internal conditions that contributed to the limited role of the EU from the 1980s until 1999.

Chapter 3 presents my major research and findings. The first part of this chapter presents an overview of the position and function of the police vis-à-vis the *Jandarma*. Then, I present my findings based on police officers' responses to an open-ended questionnaire that I distributed in 2007. After that, I put forth my findings based on semi-structured interviews conducted in 2007 and 2008 with various civil society actors about their roles in the EU adoption process and their perspectives on the status of police reform in Turkey. In the next section, I discuss the relevant and crucial domestic and international factors that galvanized civil society actors to lobby the government and communicate the nuts and bolts of the EU accession process to target audiences in order to obtain support from various segments of Turkish society. After reviewing and analyzing the available and relevant literature on this topic, I account for the strengths and shortcomings of my research and findings. In conclusion, I present a general comparison of the Turkish experience with Eastern European members of the EU that had to comply with the Copenhagen criteria, particularly Bulgaria and Romania, and my perspectives on the future of Turkey-EU relations.

Chapter 4 outlines the constitutional, legal, and policy reforms that Turkish governments from the Ozal administration to the present administration have undertaken to address the public's desire for democratic changes and later to satisfy the EU political criteria. This chapter focuses particularly on expansion of police powers, militarization of the TNP, and adoption of modern models of policing since these developments reflect a combined initiative by the state and bureaucratic elite to restore political order through suppression of certain segments of the society defined as domestic enemies in the post-1980 coup era. This chapter only elucidates the reforms that hinge on democratization and human rights according to the EU's political criteria as laid out in its annual progress reports precisely because the TNP's consistent violations of these rights have threatened the overall success of police reform and democratic consolidation in Turkey.

Chapter 5 discusses the conclusion of this study. I explain my perspectives on the future of democratization reforms including police reform in Turkey and the prospects for Turkey-EU relations. Moreover, I elaborate on the significance and contribution of this study as well as its policy implications in Turkey and elsewhere.

# Chapter 1

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## The Theoretical Terrain

### Introduction

Turkey is a culturally and religiously diverse nation-state stretching between two continents, Asia and Europe. Its history is as unique as its geography. As early as AD 330, Emperor Constantine, who established Constantinople, had realized the region's importance and for the next millennium Constantinople remained the capital of the Eastern Roman Empire. The Ottoman Turks renamed the city as Istanbul after capturing it in 1453. For the next 450 years, Istanbul served as the capital of the Ottoman Empire, which stretched from the Middle East and North Africa to Central Europe. After World War I, the Empire disintegrated, but a military hero, Mustafa Kemal Pasa, later known as Atatürk, built the modern Turkish Republic on its remnants in 1923. In order to modernize Turkey, Atatürk initiated a series of unprecedented reforms known as the six arrows. These reforms consisted of—but were not limited to—abolishing the caliphate and sultanate, outlawing the fez (traditional Ottoman headgear), changing the Turkish alphabet from Arabic to Latin, and adopting European style civil and criminal law codes.

After his death in 1938, his successor allowed other parties to enter the political arena in 1945. In 1950, the first competitive election took place, and the Democratic Party led by Adnan

Menderes took office. Unfortunately, the transition to two-party rule introduced Turkey to an unstable era and it subsequently witnessed four coups d'état. The military deposed Menderes and executed him in 1960. Although civilian rule had been restored quickly, his successor, Suleyman Demirel, was overthrown in 1971. Another civilian government began to take shape in 1974; however, that coalition government proved incapable of effective rule. Once again, the military intervened in 1980. Three years later, Turgut Ozal took over as civilian prime minister until his death in 1993.<sup>1</sup> The post-1980 coup era resonates with many Turks for Ozal's remarkable market reform policies. Significantly, his role in addressing the threat of Kurdish nationalism that culminated in the military's counterinsurgency campaign against the PKK remains overlooked. Therefore, this study focuses on the internally driven police reform during his administration, and elucidates the gradual path of reforms later enhanced by Turkey's European Union accession process.

First, this chapter presents an overview of the elite contestation over *Tanzimat* in the nineteenth-century Ottoman Empire and civil-military relations as they pertain to the evolution of the TNP in its contemporary form. The second part puts forth a theory of gradual institutional change drawn from historical institutionalism on police reform within a military-dominated regime in the early 1980s. The third part presents a review of rival explanations emerging from democratization and Europeanization literature. The fourth part puts forth key theoretical findings that make contributions to democratization, Europeanization, and police reform literature.

## The Historical Background

The roots of the military's privileged position in Turkey go back to the end of the thirteenth century when it began to play a crucial role in establishing the Ottoman Empire. Surrounded by two rival civilizations and religious traditions, the Ottoman state emerged

as a *gazi* (warrior) state. In its earlier era, the military's role in politics of the Empire persisted. Therefore, the Ottoman ruling institution became synonymous with this name, *Askeri* (the military). Naturally, the military's role in political affairs stretched well into the Empire's decline, starting from the second part of the sixteenth century to the end of the eighteenth century. At that time, an oligarchy consisting of the military, the civil bureaucracy, and the religious institution ruled the Empire. In the nineteenth century, the military went through massive modernizing reforms, and a little later, it emerged as the modernizing actor.<sup>2</sup>

Understanding the military's progressive role requires a deeper exploration of the Ottoman elite's perceptions of reform. The traditional Ottoman elite perceived the *Tanzimat* as bringing cosmetic changes, in the sense that while the state formed new military corps and introduced new taxes, the old institutions were not abandoned even as new ones replaced them.<sup>3</sup> This institutional pattern, which Eric Schickler, a prominent scholar of institutionalism, defines as "layering,"<sup>4</sup> had another principal characteristic: The scope of reforms remained limited in order to avoid powerful opposition from an elite with stakes in the old institutions. Consequently, proponents of reforms continued to create new positions and introduced new weapons (for example, rifles) to military forces only to meet specific needs. When a new weapon was introduced, a new officer corps was established simultaneously to try the new rifles. Neither a massive overhaul of the administration of the Empire nor a thorough reformation of its military took place. Instead, each sultan built on his predecessor's legacies of reforms. The destruction of the Janissaries, an institutional innovation known as "the auspicious event" to Turks, marks a sudden consequential change that removed a major threat to the sultan's authority and opened the possibility for introduction of more western reforms in the Empire.

This investigation adopts a path-dependent approach that emphasizes the importance of actors' choices during critical junctures for institutional reforms and long-term processes of change over time and space. Thus, the destruction of the Janissaries represents a

critical juncture since Sultan Mahmut II chose this option from a set of available alternatives. Initially, he did not intend to destroy the army, but to institute a new Western style army that would incorporate a limited number of Janissaries over time.<sup>5</sup> Shortly thereafter, the sultan transferred policing duties to the new *Mansure* army. For the first time, Istanbul witnessed the establishment of a special police force. By 1826, the development of the first separate police force had laid the foundation for a modern national police force later known as the TNP.<sup>6</sup> Under the new municipal governing system, the new police force was not a civilian one since those who were hired by the *Ihtisap* Ministry to fulfill policing practices in the Empire were still recruited from the military.<sup>7</sup>

The sultan's decision to abolish the Janissaries represented a setback for the old Ottoman elite that had lost its bastion of power. Yet they remained defiant and expressed resistance through their very existence and constant influence on the new class of reformers and the masses.<sup>8</sup> Historical evidence from the end of Mahmut II's reign in 1832, however, indicates that the new reformers had begun to accept that modern European society was more superior to theirs; therefore, they thought that it was best to destroy old institutions prior to building new ones resembling their European counterparts. In contrast, the old Ottoman elite forced the new reformers to reconcile the old with the new, providing the groundwork for the creation of institutions that were traditional yet adaptable enough to meet the demands of Empire.<sup>9</sup>

During the nineteenth century, the Ottoman state faced multiple challenges and pressures from the Great Powers to modernize. In response, the civil bureaucratic elite established representative assemblies in Istanbul and its regional localities. They justified their motives for extending liberties to non-Muslims, assisting the progress of tax collection, and boosting military recruitment, all as means of appeasing the Great Powers, thereby curtailing the sultan's authority and strengthening their own role in the Empire's affairs.<sup>10</sup>

After the Turkish Republic was established in 1923, Atatürk's charisma and leadership represented the state. The contention

between the state elite<sup>11</sup> and the political elite has persisted over time. Each group's political culture was formed by its unique understanding of the role of the state in politics, a patrimonial legacy from the Ottoman era reinforced by the guardians of Kemalism who supported the rule of law more than parliamentary deliberation. After Atatürk's death, the guardians based the ethos of the state on Atatürk's thoughts and actions instead of allowing the nation to practice sovereignty through the Grand National Assembly. This laid the foundations for the 1961 Constitution that pitted the civil bureaucratic elite against representatives of the people.

Turkey has enjoyed a strong state tradition in the sense that, from the time of the Ottoman Empire to the present, there has always been a particular group of elite that has made policies to preserve the state through the assumption of nearly full independence from other groups in society, specifically the political elite. In the Ottoman Empire, the state elite paid full attention to the problem of reforming the Ottoman administration and military according to the latest European innovation. Since the establishment of the Republic in 1923 until present, the state elite, consisting of the intellectual-bureaucratic elite and military, have played an effective role in implementing Western reforms in the administrative and socioeconomic sectors. As defenders of Atatürk's legacy, the state elite have remained committed to the project of Westernization and secularization reforms, especially in education, economy, and social progress.

The Ottoman elite believed in a strong state whose main purpose was to provide public order and welfare. Naturally, the elite focused on maintaining a strong state whose interests preceded those of civil society groups.<sup>12</sup> The Ottoman strong state tradition is unique, yet comparable to France and Germany. There is one distinct difference: The Turkish state remained independent from social groups; therefore, the Ottoman state was far stronger and more autonomous than its French and German counterparts. Clearly, the strong centralized state has set significant barriers to democratic consolidation in that country despite of the demands from civil society for democratic reforms. The political elite and

state (i.e., military) elite have clashed in the Ottoman and the republican eras. In fact, instability and democratic breakdown led to chaos and disorder, which the military viewed as sufficient reason for intervention in the 1960, 1970, and 1980 coups. Heper believes that the political elite acted above the law; therefore, the military, as the guardian of the nation, had to intervene to protect the state sovereignty and indivisibility. The friction between the military and state elites has gone through ebbs and flows; therefore, I am not implying that the strong state tradition is a permanent feature of the Turkish state nor am I arguing that its strength is constantly the same.<sup>13</sup>

Historically and in recent times, the state elite have treated the political elite as insignificant. Therefore, the political elite thought that “the mixed constitutions” drafted by the state elite in the aftermath of the 1960–1961 and the 1980–1983 military interventions were “imposed” on them.<sup>14</sup> In order to maintain prudent governance, according to their interpretation of Kemalism, the state elite, including the military, justified frequent interventions in politics necessary to regulate democracy in Turkey.<sup>15</sup> The 1961 Constitution reflected their low level of confidence in the parliament as a mediating institution between state and society.

Still, the state elite did not give the political elite room to breathe. Following a period of several unstable coalition governments, Turkey appeared to have gained a stable, popular government. Toward the end of the 1960s, extreme Right and leftist groups appeared on the political scene partly because the 1961 Constitution granted extensive civil liberties to political parties. Following increasing acts of political violence, a group of radical military officers who disagreed with the ruling party, the Justice Party (JP), ordered its resignation through a coup designed to carry out radical social reform in 1971.<sup>16</sup> Restoration of civilian rule did not usher in an era of stability. Instead, Turkey suffered from an unprecedented degree of terrorism that led to protracted instability and violence, undermining the public’s confidence in the democratization process. Law and order collapsed, particularly when ideological divisions between the extremist Left

and extremist Right groups intensified, thereby spreading to the other segments of society to the extent that moderate members of parliament, journalists, university professors, as well as a former prime minister fell victim to the situation and the number of assassinations rose to 30 a day.

At this time, the strong and centralized Turkish state generally maintained public order effectively. Faced with mounting violence and widespread public disorder in the 1970s, the state turned to the army to declare martial law. Although public order falls under the police's jurisdiction, the state could not trust the police as it became apparent that extremist groups had infiltrated the police and managed to divide the force. Therefore, the lack of respect for police in contemporary Turkish society partly stems from its lack of impartiality and legitimacy, while the public views the military as the savior since it has rescued the country from chaos and civil war.<sup>17</sup> Most people breathed a sigh of relief when the military staged a coup on September 12, 1980. They believed that the military would restore law and order immediately, while protecting the secular democratic regime in the end.<sup>18</sup>

The military, as the ultimate guardian of the Republic, was compelled to save the state from what it viewed as two prominent threats to sovereignty: Kurdish separatism and communism. The 1980 coup coincided with a time when the Cold War and the Iranian Revolution were at their height and when the spiritual leader of the Iranian Revolution Ayatollah Ruhullah Khomeini, sought to export the Islamic revolution to neighboring countries. Historically, the military has enjoyed a great deal of respect not only as protector of the Kemalist state, but also, in public view, as the most pristine and trustworthy institution compared to other institutions in Turkey.

## The Theoretical Argument

As explained earlier, the military reforms of the nineteenth century led to the establishment of the police force, but professionalization

and separation of that force did not happen until the 1980s. From 1845 to 1983, institutional layering defined the type of changes that shaped not only the role, but also the extent of TNP's professional capacity, which remained relatively constant. Institutionalism analyses such as Schickler's work on the evolution of the US Congress finds that new groups that may have created innovative methods and approaches to change an institution may not have the necessary support or perhaps the desire to replace the preexisting institutions. Some institutional features may be locked in by the power of old constituencies. In the case of the US Congress, however, the institutional reformers bypassed the opposition by adding new institutions without demolishing the old ones.

In this study, the path-dependent approach is useful because it serves as a tool to account for a specific type of explanation that unfolds through a series of "logically sequential stages."<sup>19</sup> A choice made during a critical juncture is vital since it results in the establishment of institutions and structural patterns that persist over time and, in turn, shape other actors' behavior that would lead to the establishment of new institutions later. Whether actors make calculated or random choices, the choices indicate the power of agency through illustrating the long-term influence of actors' decisions during the critical juncture period on the outcome of a political development in the present.<sup>20</sup> The destruction of Janissaries led to the introduction of a new army, which in turn initiated the path toward the establishment of a centralized and separate organization responsible for policing the Empire. Likewise, this trend continued in the republican era because the army's control and maintenance of public order did not leave any room for another law enforcement agency such as the police.

In brief, my research reveals that it was not until the 1980s that the police began to emerge as a professional civilian force. The Kurdish insurgency in the southeastern part of the country and a sudden rise in terrorist attacks provided the opportunity for the police's cooperation with the military whose strict professionalism kept it from deploying troops where it was not legally sanctioned.

The military's disengagement from politics subsequent to the restoration of civilian rule fostered its effective cooperation with the Ozal government, especially in areas of internal security including police reform. Here, I am not implying sudden change. Instead, the TNP's "institutional displacement" from the military has occurred gradually since the Ottoman era through endogenous shifts in the Turkish domestic political landscape. Drawing on Streeck and Thelen's definition of displacement as the removal of existing rules and the introduction of new ones,<sup>21</sup> I emphasize the gradual aspect of displacement here. In contrast to leading institutional theories that focus on sudden breakdown of institutions and their replacement with new ones in the aftermath of a revolution,<sup>22</sup> this study demonstrates that displacement may occur in a gradual manner over a long stretch of time.

## A Review of Historical Institutionalism

In political science, scholars have created a rich and rigorous body of literature on institutional change. Their contributions include useful theories of why various types of basic institutions such as constitutions, health-care systems, and legislative chambers are established and replaced with completely different ones. However, there is limited knowledge that would help conceptualize gradual change within enduring institutions since the existing theories of institutionalism have primarily addressed their establishment and dismantlement instead of considering the ways in which institutions gradually change in a subtle manner.

In addition, most scholars point to exogenous factors as the primary cause of sudden institutional change; therefore, they ignore the importance of endogenous factors for gradual institutional change over time. In order to overcome this shortcoming, Mahoney and Thelen suggest that scholars should consider a longer span of time in the historical sense while analyzing gradual changes within a particular institution. They emphasize the

equal importance of gradual institutional change and believe that subtle changes may lead to other outcomes.<sup>23</sup>

Other critics opine that institutionalism overlooks the role of agency in institutional change;<sup>24</sup> particularly historical institutionalists have offered various explanations that only reinforce the existing continuities over time as opposed to accounting for change. By definition, historical institutionalists view institutions as “relatively persistent features of the historical landscape and one of the central factors pushing historical development along a set of ‘paths.’”<sup>25</sup> Similarly, historical institutionalists have grappled with the puzzle of how institutions create such paths. For instance, early theorists tried to extract the impact of the state’s capabilities and policy legacies on subsequent policy choices.

Other analysts focused on how a previous line of policy shapes future policies, for instance, by gaining support from social groups to vote in favor of policies that are difficult to change. In this regard, these scholars’ portrayal of institutions as generators of unintended consequences and inefficiencies bears no resemblance to images of institutions as efficient and goal-oriented.<sup>26</sup>

## Rival Explanations

Prominent analysts on conditionality and its consequences for domestic change assume that the EU process provides the only available framework and anchor for reforms in Turkey. Yet they consider the Kemalist elite’s Western-oriented beliefs and policies, including Turkey’s commitment to NATO, as an important ideological factor in raising Turkey’s chances in its drive to join the EU. As for the Turkish political culture, they refer to nationalism as a salient and strong feature of its volatile and partially democratic regime. Relying solely on the above-mentioned variables and assumptions for Turkey’s EU membership implies that internal factors would continue to impede the pace and the quality of reforms. According to the analysts’ logic, the TNP, as a nationalist and centralized state institution, would not have the

incentive to institute reforms. Therefore, the EU process serves as the only anchor for reforms, with accession as the ultimate reward upon compliance with EU criteria.<sup>27</sup>

Leading theories on international organizations either focus on the EU's "democratic deficit" or emphasize its democracy-enhancing capacity. The latter assert that multilateral institutions can promote the quality of national democratic processes even in robust democracies in several crucial ways: by limiting the influence of special interest groups, promoting civil liberties, and boosting the quality of democratic deliberation.<sup>28</sup> However, they ignore historical conditions and structural causes that promote or restrict the opportunity for institutional reform in nascent democracies or democracies that are experiencing difficulties during consolidation.<sup>29</sup> Moreover, studies that focus on Europeanization and domestic change have selection bias problems since they do not generally discuss negative cases where the EU process was undermined because of institutional and structural factors.<sup>30</sup>

Analyses centered on international institutions and socialization mechanisms have focused on accounting for the scope of conditions in the process of how an agent changes from following a logic of consequence to a logic of appropriateness over time. Their findings reflect identity change and normative transformation in actors without deep explorations of how and to what extent antecedent historical conditions, as well as organizational culture, shape actors' mentalities and identities.<sup>31</sup>

The occurrence of police reform in an electoral democracy that transitioned from a military rule to a civilian government, after recovering from being on the brink of civil war while preparing for a counterinsurgency campaign, is unexpected and puzzling. Empirical and theoretical evidence from the literature on police reform does not support my findings, because, according to many scholars and practitioners, police reform generally occurs in democratic settings or in post-conflict societies where an external agent such as the United States or an international organization such as the United Nations provides police training and fosters organizational reform.<sup>32</sup>

In addition, this study shows that the relationship between democracy and the police is more complex than assumed by prominent scholars of police studies such as David Bayley, whose research findings suggest that democracy represents an indispensable prerequisite to successful police reform. He contends that the reverse is not plausible.<sup>33</sup> My research findings hint at a different result, confirming that order is a prerequisite to police reform. Order is a necessary and sufficient condition for police reform in a military-dominated electoral democracy that has been restored from the extreme violence and polarization following the 1980 military coup. My analysis here posits that political order remains a key variable to initiation of police reform as opposed to democratic governance.

While the democratization literature suggests that the breakdown of coercive institutions that promote authoritarianism is a necessary condition for democratic transition and consolidation, this analysis overlooks many other crucial variables. Important and rigorous studies account for a wide array of conditions such as a minimal level of elite consensus, national unity, and per capita GNP,<sup>34</sup> and equally important, the establishment of fair and effective state institutions including the police and judiciary. Above all, order precedes democracy because the latter cannot flourish without the former. Unfortunately, countries with legacies of patrimonial rule face greater challenges than others since patrimonial and post-patrimonial regimes do not possess competent and evenhanded institutions. In spite of its patrimonial past, Turkey enjoys competent and strong institutions. The Turkish case sheds light on an equally crucial factor, the coexistence of old and new institutions that have continuously gone through internal reforms over time in order to promote Turkey's position vis-à-vis Europe and the West.<sup>35</sup>

The democratic transition literature exemplified by O'Donnell and Schmitter, whose seminal works view elite consensus as an outcome of negotiations and compromise between hard-liners and soft-liners, bears no resemblance to the Turkish context. According to their perspective, elite consensus remains a crucial

prerequisite to consolidation of democracy, which represents the second transition of the democratization process. O'Donnell contends that during this phase, "democratic actors should agree to subordinate their strategies... to the imperative of not facilitating a return to authoritarianism. This is the great accord or pact of the second transition... Even more than the fate of the first transition or that of an already consolidated democracy, the fate of the second transition depends on the quality of democratic (professional) politicians."<sup>36</sup> Likewise, Giuseppe Di Palma argues that democratization is the outcome of political craftsmanship. Burton, Gunter, and Higley stress the role of elite consensus and unity for the establishment and consolidation of democracy.<sup>37</sup>

However, elite consensus and cooperation among competing factions are not distinct markers of the Turkish political scene. None of the three democratic transitions in 1946, 1961, and 1983, involved an elite convergence because all three shared a common trait: The authoritarian stakeholders controlled the transition and determined the limits of the post-transition governments. In the early 1980s, it seemed that Ozal's Motherland Party (MP) had built a successful coalition on the center-right, uniting liberals, conservatives, moderate Islamists, and former ultranationalists; on the contrary, the MP coalition began to disintegrate after 1987 mostly due to the intense competition between the MP and Demirel's True Path Party (TPP).<sup>38</sup> Nevertheless, the political elite's cooperation with the state elite was a remarkable achievement. The restoration of political stability subsequent to the military coup allowed for the disengagement of the military and ultimately its tolerance for police reform.<sup>39</sup>

The military generals who came to power as a result of the 1980 coup restored order and held a presidential election in 1983 whose winner was Turgut Ozal. An extraordinarily capable civilian leader, Ozal demonstrated his superb ability to corule with the military-led National Security Council (NSC) in the beginning. Gradually, he asserted his independence in economy and foreign policy, especially during his second term in office as prime minister. Not even the military could stop Ozal's independent

and confident policymaking since his main goal was to transform Turkey into a first-class country on par with Western states. As the Kurdish insurgency began to dominate Turkish politics in 1984, Ozal applied for full EU membership in 1987. His administration was very preoccupied with addressing the Kurdish question until the end of his term. He commenced the institutional reform of the TNP—an ambitious and extensive process that would later be enhanced by the EU anchor in the post-1999 Helsinki era. He also expanded Turkey's ties to the Middle East.

After his death, the military elite had to grapple with political Islam, which they view as a threat to Kemalism. The Welfare Party headed by Necmettin Erbakan won local and presidential elections in 1994 and 1995. This party is sometimes referred to as the predecessor of the Justice and Development Party. Welfare's electoral victory owed to public discontent because of profound economic and political issues namely that of corruption. For the Kemalist elite, the simultaneous reemergence of the Kurdish question and political Islam represented a return to the earlier days of the Republic when Ataturk had faced the same threats in the 1920s and 1930s. The end of the Cold War exacerbated the intensity of these threats since both the Kurds and the Islamists were suspected of receiving support from foreign countries. Similar to the founding days of the Republic, the Kemalist elite used oppression to crush dissent and silence any opposition at home. Therefore, the 1990s resembled a "lost decade" for Turkey. Omar Taspinar, a prominent Turkish politics expert, explains that the 1990s mark a decade of lost opportunities for Turkey since the state did not reach a consensus with political Islamists and the Kurds. Moreover, the country experienced an alarming level of economic instability and corruption. In 1997, the military intervened once again to ask Prime Minister Erbakan to resign from his position in a process referred to as "the soft coup." Meanwhile, the military made several cross-border incursions into northern Iraq to crack down on the Kurdish insurgents. In 1998, the military took an aggressive and unprecedented step. It threatened to attack Syria. Vulnerable at that time because of the

end of the Cold War and the Israeli-Turkish strategic partnership, the Syrian government conceded and expelled Abdulla Ocalan, PKK's leader. Turkey arrested Ocalan in 1999 and has held him in custody in a remote island off the coast of Istanbul. By the end of the 1990s, it seemed that the military had reined in the Islamist and the Kurdish nationalist successfully.<sup>40</sup>

As a result of the 1997 soft coup, the Turkish Islamists learned to approach political participation in an alternative way. When Recep Tayyip Erdogan and Abdullah Gul established the Justice and Development Party (AKP) in 2001, they dismissed the term "Islamic" and defined the ideology of AKP as "conservative democracy." Their source of inspiration seemingly stemmed from liberal democracy and Turkey's EU membership bid. Therefore, they gained supporters from various segments of Turkish society including the business sector, liberal intellectuals, and majority of the middle class. Moreover, their clever advertising campaign that depicted a light bulb, highlighted AKP's priorities, transforming the country's economy and committing to Turkey's EU membership bid. Incorporating these goals into its domestic and foreign policy agendas helped AKP gain a bit of respect from secular military leaders. Clearly, joining the EU was Ataturk's ultimate dream for a modern, Westernized Turkey.<sup>41</sup>

## Conclusion

The professionalization of the TNP and its emergence as an independent and competent force at the time when Turkey was faced with insurgency and terrorism indicate that establishing law and order is necessary and sufficient not only for democracy, but also for police reform. This case study demonstrates that police reform can occur in all regime types including unconsolidated democracies such as Turkey. The military's disengagement from politics and Ozal's leadership provided an opportunity for the police to gain advantage vis-à-vis the military with regard to handling Turkey's internal security. Since the military trusted the

Ozal government and his expertise, the formerly weak bureaucratic elite gained leverage vis-à-vis the state elite; therefore, an era of stable, pro-market reform government began in Turkey. The Ozal government's drive to reform the police was based on purely internal factors, thereby underlining the limits of international pressure. As shown in this chapter, neither the logic behind EU conditionality nor the logic of appropriateness as explored in the Europeanization literature account for police reform in Turkey.

In the next chapter, I trace the evolution of the TNP rooted in the Ottoman reforms of the nineteenth century and the early republican era. Moreover, I examine the organization and function of the police, highlighting the patterns of continuities and changes in policing throughout Turkish history.

## Chapter 2

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# Overview of the Turkish National Police: Historical Continuities and Changes

### Introduction

Prior to discussing reforms, it is critical to examine the cultural and historical evolution of the TNP because it differs so greatly from that experienced in Europe and provides the explanation for the current mindset within Turkey. In fact, this evolution, especially its completely different cultural mindset, has an impact on the current problems, specifically in the former Ottoman territories in the Balkans and the Arab states. While European societies are individualistic and territorial, Turkey, a country founded on the remnants of the Ottoman Empire, inherited the Empire's communal and group-based values. Within this system, the Ottoman Empire was unique since it was faith-based rather than territorially, ethnically, or linguistically based. This affected how law, the enforcement of law, and attitudes toward and within the police were and still are perceived today. Kemalism capitalized on previous reform attempts and rapidly accelerated the reform movements begun in the nineteenth century.<sup>1</sup> These reforms continue today and greatly influence the contemporary reforms of the TNP.

The evolution of the TNP<sup>2</sup> is situated within the historical context of the Turkish state whose foundations stretch as far back as the Ottoman bureaucratic and political reforms of the nineteenth century. In fact, many of the traditions and attitudes can be traced back to at least Suleiman I (1494–1566), known as the “Lawgiver” in the Turkish and Arabic World, and “The Magnificent” in the West. He codified, institutionalized, and blended secular and religious (sharia) law, and concomitantly, “law enforcement,” as well as the unique religion-based *millet* system. In the nineteenth century, the Ottoman elite designed the reforms known as the *Tanzimat* to withstand the European imperialist expansion; therefore, Turkey’s constitutional development has focused on the assertion of its sovereignty in the face of continuing economic, political, and cultural influences from Western European countries such as Germany, France, Switzerland, and Italy.

The legacy of the Ottoman Empire is relevant because it provides a historical background for examining the police in the Turkish Republic. Ottoman Turks, particularly the educated elite, had two sources of identity and loyalty. First, Islam, which was the religion that the ancient Turks had adopted upon contact with the expanding Muslim empire and civilizations. Second, the Ottoman elite remained faithful to the Ottoman dynasty and state in addition to their tribes. Overall, the Ottoman elite identity resonated strongly with the position of Ottomans as an Islamic empire vis-à-vis the rest of the world. In the aftermath of the Empire’s disintegration, Turks adopted a different identity that stemmed from European nationalism based on a historical revisionist philosophy that defined them as ethnically and racially different from the rest of the former groups and nations that had belonged to the Empire.<sup>3</sup>

Placing the Ottoman state in the context of non-Western states illustrates a significant point: The Turkish state was never colonized in its entire history, but its path of international economic integration bears close resemblance to that of other developing countries. In contrast to postcolonial states, Turkey has enjoyed a strong state tradition. Its successful economic integration within

the world economy has not undermined the sovereignty of the highly bureaucratic Turkish state. I believe that these historical factors contribute to Turkey's uniqueness.

In its 70 years as a Republic, Turkey has also attempted to move closer to Europe. However, it was not until 1999 that Europe agreed that Turkey could start the accession process toward potential membership of the EU. The institutional reform of the TNP does not constitute a surprising development in the sense that the Ottoman administration and the republican state have invested in modernization and Westernization. In Turkey, the political and military elite have gained clout and legitimacy from pursuing Kemalism's ultimate aim, Turkish membership in the EU. Kemalism, the official state ideology devised by Atatürk, consists of six principles:

- Secularism (eliminating the direct influence of religious leaders on political outcomes and education)
- Republicanism (structuring the modern country as a modern state, in contrast to the Ottoman Empire)
- Populism (promoting the social good without any regard for class differences)
- Nationalism (founding an indivisible and united Turkish nation surpassing ethnic and religious loyalties)
- Statism (maintaining the state's role in economic matters)
- Reformism (frequent restructuring of the political order to new developments)

In broader terms, the definition of Westernization among the Kemalist elite varies since many academics, judges, and the state elite interpret it in authoritarian and nationalist terms in its nascent stage in the nineteenth and twentieth centuries instead of associating it with Western liberal thought that developed in the late twentieth century. Therefore, it is a reasonable assumption that the Turkish state structure, albeit its strong and centralized characteristics, remains Western-oriented, not Western. This is a crucial point to bear in mind since Turkey-EU relations are intertwined with the corresponding domestic politics of each entity in a distinct manner.

Specifically, the EU is based on a transnational state model founded on liberal principles, while the Turkish state remains rooted in the Kemalist principles that reinforce the statist and nationalist sentiments the European rulers adhered to in the nineteenth century.<sup>4</sup>

I explore the role of the TNP within the bureaucratic structure of the Turkish state, keeping in mind that due to the EU accession process, Turkish governments starting from the Ozal administration to the present administration have had to address Turkey's human rights status, while thwarting national security threats to the Kemalist state. In particular, the EU has scrutinized and monitored the police's conduct, especially in the aftermath of the 1980 coup and throughout the Kurdish insurgency. In addition, I examine how successfully the police fit into society in the 1970s, 1980s, and in the current period after successive governments adopted the EU reforms to professionalize the Turkish police. Following this overview, I discuss my research findings, accounting for the limited role of the EU's influence on the reform process because of the cultural and historical trajectories of reform.

## The Historical Evolution of the TNP

As stated, the Republic of Turkey was founded on the social and economic heritage of the Ottoman Empire. This heritage included a powerful army, a corrupt bureaucracy, the foundations of modern economic and bureaucratic institutions, and a pro-Western elite who had served as perceptive politicians during several periods of struggle against Ottoman autocratic rule.<sup>5</sup> In 1923, in the aftermath of victories against the allied armies that had occupied an important part of the country, Mustafa Kemal Atatürk emerged as the unchallenged national hero and the founding father of the Turkish Republic. He remained the leader of Turkey until his death in 1938. Under the stewardship of the Republican People's Party (RPP), Atatürk and his fellow modernizers moved quickly to control all aspects of public life. For instance, Atatürk abolished the Sultanate (monarchy), the Caliphate, and imposed

the use of the Turkish alphabet—all based on a six-point program later termed “Kemalism.” In regard to the Republic’s security, he relied on the army to enforce domestic law and order rather than the almost nonexistent police.<sup>6</sup>

Therefore, I trace back the history of the formation of a national police force (and its evolution as a state monopoly) to the Ottoman era reforms known as the *Tanzimat*, which was a series of internally driven bureaucratic reforms introduced to address domestic problems and needs. The origin of the word *Tanzimat* is *nizam* (order), revealing the importance of maintaining internal order within the Empire. The Ottoman bureaucrats sought to save the Empire from further decline and from the advance of European imperialism by borrowing and implementing European methods of governance. In comparison to its non-Western neighbors, the Turkish Republic shares a common trait with the Ottoman Empire: Both have been oriented toward Europe. As a result, each polity has been historically inclined to comply with European reforms, whether self-initiated or through an external anchor such as the EU. In addition, throughout much of its modern history, Turkey followed a pro-Western foreign policy that is institutionalized in its NATO membership. However, the Ottoman relationship with the West was also formidable as the Ottomans developed close economic and political ties with France and were allies of Germany and Austria during World War I. Turkey supported France during the Algerian war of independence and was one of the first to recognize Israel. Nonetheless, Turkish culture and attitudes remain strongly influenced by its cultural heritage rooted in the communally based Ottoman tradition. Recently, the desire to join Europe, traditionally known as the beacon of progress, at least accelerated reform of the TNP as a key component of fulfilling the EU’s democratic conditionality.<sup>7</sup> Hence, it is imperative to place the TNP within the proper historical and bureaucratic structure.

During the reign of Sultan Suleiman I, the codification of secular (sultanic, *kanun*) law blended with religious law was administered by both specially trained secular (*kadi*) and religious

scholars (*ulema*, especially mufti) in conjunction with *millet* law. Enforcement was highly complex and varied from location to location and among the multitude of ethno-religious groups of the Ottoman Empire. Although the police functions were complex, the Janissaries performed the major police (and fire) functions.<sup>8</sup> Unfortunately, under a series of conservative administrations, the system stultified, and in many ways became corrupt. This was particularly true of the Janissaries who became very much a Praetorian Guard. Because of the internal unrest, palace coups, and corruption, the seminal modernizing incident known as the “Auspicious Event” was carried out under Sultan Mahmut II in 1826.<sup>9</sup>

The conventional periodization of the history of police in the Ottoman Empire corresponds to the major turning points that mark the perceived historical evolution of the Empire. The periods are divided into five: from the foundation of the Ottoman principality to the conquest of Constantinople in 1453; from 1453 to the destruction of the *Janissary* corps in 1826; from 1826 to the establishment of the Ministry of Public Security as a separate organization from the military in 1846; from 1846 to the 1909 CUP (Committee of Union and Progress) government; and from 1909 to the republican era.<sup>10</sup>

Recently, prominent Turkish police scholar Ferdan Ergut has suggested that a different periodization, referring to the pre-*Tanzimat* era as the “classical period” of policing in the Ottoman Empire, should be used. There are differences and similarities between the classical period and the *Tanzimat* era. During both periods, collective responsibility represented the dominant policing method as the Empire relied on local strongmen to maintain law and order. During the *Tanzimat* era, Ergut argues, the reformers attempted to transform police from a military bureaucracy to a civilian one. Yet police reform lagged behind expectations, and gradually came to a halt as the Empire still depended on the system of indirect rule.

It was not until the middle of the nineteenth century that the police became a centralized bureaucracy to a limited extent. This centralization coexisted with the general system of indirect rule.

The lack of complete centralization led to a multilayered and complex hierarchical system according to which both states' and local agents' functions changed repeatedly. As a result, collective responsibility persisted as the basic form of policing.<sup>11</sup> I partly use Ergut's classification system since it helps to illustrate the continuities and changes in policing in the Ottoman era compared to the contemporary era. Meanwhile, I trace back the first steps toward a centralized and separate organization responsible for policing the Empire to the reign of Mahmut II who succeeded in abolishing of the Janissaries in 1826.

## The Reign of Mahmut II: Beginnings of Modern Reform

One of the most remarkable developments during the reign of Mahmut II (1808–1839) was the formation of a municipal government. Prior to Mahmut II's reign, the extent of the government's function and control remained very limited within city boundaries. In Istanbul, the army corps carried out police and firefighting duties in areas close to their barracks. In small towns and villages, the *subasi* maintained order as the governor had appointed them to help the judges in enforcing the rulings of the Muslim religious courts. Other services commonly associated with a modern urban government were performed by the guilds and *millets*, the latter through their own courts, hospitals, schools, and by private police guards hired for each residential area. The only coordination between the activities of governmental officials and these private organizations came from the lieutenants of the *millet* chiefs, called *kethudas*, in the Muslim quarters and villages, while *kocabasis* served as liaison to the non-Muslim areas. In any case, their authority and functions were very limited.

Mahmut II succeeded in transforming the traditional Ottoman system of urban rule into a solid municipal government, although his intention of undertaking this reform stemmed from his desire to solve other problems that had resulted from previous reform

plans. In order to address glitches in the reform process, he assigned specific urban responsibilities to a special task force. For example, Mahmut II ordered the destruction of the army corps that had traditionally fulfilled police duties in Istanbul, particularly the Janissaries and *Bostancis*. Then, he transferred that duty to the new *Mansure* army. For the first time, Istanbul developed a special police force. It consisted of 150 professional policemen (*kavas*) and 500 irregulars (*seymen*) based in headquarters situated in the main sections of the city. The police were lodged adjacent to the courts where sergeants prosecuted and fined offenders who had been arrested. By 1826, the development of the first separate police force had laid the foundation for a modern national police force later known as the TNP.<sup>12</sup> Under the new municipal governing system, the new police force was not a civilian one since those who were hired by the *Ihtisap* Ministry to fulfill policing practices in the Empire were still recruited from the military.<sup>13</sup>

General security functions now remained in the hands of the new army, augmented by the formation of the *Jandarma* in 1839, which was organized and structured very much like the French gendarmerie, Italian carabinieri, and the Spanish Civil Guard. Arguably, the French have the longest tradition of a police force in Europe, dating back to a paramilitary force named the *Marechaussee* in the sixteenth century. In contrast, the Metropolitan Police of England was not formed until the early nineteenth century and the New York City police force not until 1845, the oldest municipal police in the United States. However, the US Marshals Service is older, having been established in 1789.<sup>14</sup>

## The Development of a National Police Force

On April 10, 1845, the publication of an official paper titled "The Rules of Police" (*Polis Nizamnamesi*), outlining 17 articles, defined the role of the police and its duties. This new force, mostly based in Istanbul, was responsible for acting in larger cities

in order to maintain internal security. In rural areas, ordinary citizens serving their military service or gendarmes (*Jandarma*) were responsible for public order. However, this security arrangement only lasted for a short time. In 1846, the Marshalship of Gendarme was assigned to maintain the rule of law and order in both Istanbul and other cities. Later, although an inspectorate was set up to supervise police functions, it was abolished and its tasks were given to the gendarmes.<sup>15</sup> This demonstrates the pre-eminence of the military's role to assert itself over the civilian bureaucrats who aspired to form a separate police force from the military in an effort to augment their own authority over the traditional military bureaucracy and the sultan.<sup>16</sup>

## The Reign of Abdulhamit II

As *Tanzimat* culminated during the reign of Abdulhamit II (1876–1909), the Empire witnessed significant bureaucratic reforms. For example, the police and the *Jandarma*, previously headed by a Control Commission (*zabtiye Meclisi*) in the Ministry of the Interior, became organized into a separate Ministry of Police (*zabtiye Nezareti*) and extended into a highly organized hierarchy throughout the Empire.<sup>17</sup> In spite of his firm determination to preserve autocratic rule, in many ways Abdulhamit continued elements of reforms that had characterized the Ottoman Empire since the days of Selim III. The sultan favored military modernization and purchased new weapons. He employed the Germans to train the army, and commissioned French experts to form a police force and the *Jandarma*.<sup>18</sup> Commissioners under direct supervision of the minister oversaw and directed the police activities in each district of Istanbul and other large cities as well as in each province.

The urban and rural police forces were now unified under a centralized control, almost independent of the local authorities. The sultan, Abdulhamit II, gave the police the power not only to counter crime, but also to manage society; for instance, the

ministry was given a number of functions including control of the operation and actions of the press and theater. In addition, the ministry controlled travel within the Empire, requiring all subjects and foreigners to register their whereabouts as they changed their domiciles and traveled from one place to another. The minister of police, a position that the sultan granted to his most trusted friends and allies, replaced the old chief of police, who previously commanded the police of Istanbul under the authority of the chief of the army and the minister of the interior. The secret police, housed in the palace, was partially under the Ministry of Police, yet it was autonomous at the sultan's discretion. He maintained two separate police forces who spied on each other and on everyone else. Furthermore, the police provided the means to control high officials, foreigners, and the remainder of the sultan's subjects.<sup>19</sup> Abdulhamit's reign was symbolized by repression and the expansion of the secret police throughout the Empire.<sup>20</sup>

It was not until 1893 that the police branched out of Istanbul to other cities. During this period, because of the establishment of the Ministry of Gendarme and its close ties to the Office of the Commander-in-Chief of the Ottoman Army, the Ministry of Gendarme began to assume responsibilities that are equivalent to its contemporary offshoot, the General Directorate of Security (GDS, *Emniyet Umum Mudurlugu*).<sup>21</sup> Although the Ottoman gendarmerie went through a series of institutional and occupational reforms from 1869 to 1899, its role as the sole provider of the Empire's internal security remained intact.

## The Early Republican Period (1909–1918)

Public order policing represents the proper forum for society-state interactions. In this sense, it is important to examine the role of police as agents of the state vis-à-vis Turkish society in the aftermath of the CUP revolution in 1908. In contrast to the Ottoman system that had developed since the *Tanzimat*, the CUP was liberal

and bourgeois. Having gone through Abdulhamit's autocratic reign, the Unionists combined two opposing ideologies. Opposed to corruption and external interferences, they were nationalist, and unlike Abdulhamit, they were liberal.<sup>22</sup> Overall, they were educated intellectuals from the Ottoman bureaucratic class who did not have a specific platform when they came to power. Their ideology stemmed from their desire to save the state and reform the economic interests of the Empire.<sup>23</sup>

As the Young Turks' rise to power had led to a cultural resurgence among the non-Muslim middle class who had previously experienced censorship and oppression, the CUP government halted legal immunity of foreigners. As a result, they no longer enjoyed a privileged position; instead, they had to adhere to Ottoman jurisdiction and tax legislation. In order to develop a nationalist economy, the CUP government took other measures to create an indigenous bourgeoisie who would support and execute the state's protectionist measures in favor of Muslim businesses.<sup>24</sup> At the same time, the government tried to eradicate traditional institutions such as guilds and intermediaries who maintained a local rule to impose the state's political will. In addition, many political parties, associations, and the mobilized citizenry began to voice their grievances for the first time in Ottoman and Turkish history during this period.

Consequently, it is not surprising that between 1908 and 1918 the police too went through structural and bureaucratic reforms. The rise of civil society and the capitalist sensibility of the elite called for a different style of policing in which the police had to monitor the beggars and homeless wanderers, who were commonly referred to as criminals in police journals. Clearly, the CUP's impetus for development of a centralized police force can be viewed as an attempt by state-builders to control social opposition to its modernizing policies.<sup>25</sup>

Since the CUP government placed a great deal of importance on maintaining order and unity, Mahmut Sevket Pasha, who emerged after the counterrevolution of 1909 as the most

influential of the senior commanders in the Ottoman army—until his assassination in 1913—focused on increasing the police's budget and reforming the gendarmerie immediately.<sup>26</sup>

Preserving internal order under a new government had required more attention from the police and the gendarmerie; however, the military's role in policing the Empire remained superior to that of the police. The following historical incident confirms this point.

The most serious threat to the new government took place in April 1909 when five thousand to six thousand people staged a revolt in Istanbul. Organized under the direction of a religious cleric and in conjunction with soldiers who were loyal to Abdulhamit, the demonstrators demanded the overthrow of the CUP government. The "counter revolution" of 1909 was a conservative, pan-Ottoman reaction to the liberal, pan-Turkic reforms of the CUP.<sup>27</sup> As a result, the government surrendered and the Unionists went underground or fled the city. For 11 days, there was no authority in the city. In fact, the police had disappeared. Therefore, the society's attitude toward the police changed as they were able to roam the streets freely without any policemen in sight.

Ergut's reference to this period gives us an idea of how the police perceived the revolt. The CUP leaders went into hiding, and their representative, Hilmi Pasha, resigned from his position. That evening, policemen put away their modern helmets and replaced them with fezzes.<sup>28</sup> This telling action reveals the police's resistance to fulfilling their regular duties as they chose to support the protesters' demands as opposed to maintaining law and order. They were swayed by the political climate of the day and were not sufficiently professional to overcome their own political ideologies and cultural attitudes.

However, the counterrevolutionaries' triumph did not last long. They encountered opposition from the Action Army that had been summoned from Macedonia. This army comprised regular units led by the commander of the Third Army, Mahmut Sevket Pasha. On April 24, the Action Army had gained full control of Istanbul. The Action Army's suppression of the revolt had significant implications for Turkey's internal politics because the

military wing of the CUP government was victorious against its civilian wing. In effect, Mahmut Sevket Pasha emerged as the most dominant figure, and the Action Army's might overshadowed the CUP's original members' mission and influence. As the war continued, the Action Army declared martial law that remained in effect until 1918 except for a few months in 1912. The Minister of Interior recognized that, unlike its constitutional definition, rebellion connoted politically motivated action, and justified martial law as the only means to maintain security. In my view, the absence of an effective police force in times of war and social upheaval necessitated the declaration of martial law.

The importance of the rebellion and the army's reaction spurred radical changes in the organization of police. The contemporary Turkish national police force, GDS, was only established after the Action Army had quashed the rebellion in 1909. This counteraction was not an accident as it had been in other regional countries where national police forces were established after a wave of collective action rather than concern for the increasing rate of crime. In contrast, collective action does not offer sufficient rationale to explain the development of the new police.<sup>29</sup> In the Turkish case, since the military had served police functions, there was no urgent need to form a robust national police force until recently.

In Europe, before the nineteenth-century proliferation of national police forces in the contemporary sense, policing signified public management, particularly at the local level. Regulation of food supply was the most important duty of the police, as established by the great treatise of Nicholas de la Marc, *Traite de la Police*, first published in 1705. This text reflects a comprehensive, but food-centered, conception of the state's police powers.<sup>30</sup> As Bayley argues, "If violence is not perceived in political terms, it is unlikely to lead to an expanded police role."<sup>31</sup> The 1909 reactionary rebellions compelled the state elite to form the new police. In that sense, it was "the national elite's response to the perceived threats of new groups making bids for power from outside the political system."<sup>32</sup> While this argument holds true for England and Ireland, it does not offer any insights to the role of police in

the Ottoman Empire, where state bureaucrats considered it as an afterthought and an adjunct to the *Jandarma*. As we will see later in the Turkish Republic, the army's control and maintenance of public order did not leave any room for other law enforcement agencies such as the police. My field research indicates that it was not until the 1980s that the police began to emerge as a professional force separate from the army.

Besides the drive toward professionalization of the police, the foundations of its politicization, which is an essential problem in contemporary Turkey, can be traced back to 1909. As Bayley states, "Criminal insecurity does not impel police into politics; only political insecurity does."<sup>33</sup> During these tumultuous periods of regime change, states try to tighten their grasp over the population. Once they capture this dominance, they are reluctant to let go of the associated power.

## The Republican Period (1918–1980s)

Continuity as opposed to change can best describe the state of public perception of police as they were held in low esteem. The police's presence was limited to urban areas as the *Jandarma* fulfilled law enforcement duties in the rural areas. After all, the *Jandarma* as a law enforcement body has enjoyed historical precedence over the police. The very last to receive any attention were the police, and that did not occur until well after World War II.

The Menemen incident portrays Atatürk and his immediate successors' attitudes toward law enforcement. In 1930, the thriving village of Menemen, near the city of Izmir, witnessed demonstrations against some of the policies of the RPP, especially the judiciary reforms and the introduction of "secularism."<sup>34</sup> Immediately, the infantry was ordered to restore order. The mob seized and brutally murdered Lieutenant Kubilay, the infantry's leader. The government sent additional troops to Menemen to capture the ringleaders, who were tried and hung later. Atatürk also punished

the village by rerouting the main highway and railroad away from it. The village remains a sleepy backwater even today.

Turkey was not an affluent, industrialized country until the late 1950s when government-owned companies began to capitalize on its economic growth potential. Prior to that, Turkey had been an agrarian society where farmers focused on producing cotton and tobacco. Therefore, the police departments had to contend with a very limited budget. In Istanbul as well as in urban areas such as Ankara and Izmir, a *bekci*, the equivalent of a night watchman, was responsible for maintaining local public order. Each block's association would pay its own *bekci* to patrol the neighborhood at night: Each *bekci* would inform the *bekci* on the next block of his presence by the periodic blowing of his whistle. The whistle exchange between the *bekcis* alerted the burglars and criminals as well. This did not bode well for effective and professional law enforcement.<sup>35</sup>

Until the 1970s, the police managed to fulfill basic duties such as maintaining public order, addressing petty crimes, and directing traffic. At times, when shorthanded, the *Jandarma* stepped in to solve problems in urban areas, which were typically the police's jurisdiction. In urban areas such as Ankara, Istanbul, and Izmir, however, the police was more capable of fulfilling its duties in the modern sense.<sup>36</sup> Emulating the French police reform model, the Turks modeled the Istanbul police department after the Paris police department. This meant that the central government began to practice direct control over police departments and their functions.

The strong and centralized Turkish state generally maintained public order effectively. Faced with mounting violence and widespread public disorder and chaos in the 1970s, it turned to the army to declare martial law. Although public order falls under the police's jurisdiction, the state could not trust the police: It had become apparent that extremist groups had infiltrated the police and managed to divide the force. Effectively, the lack of respect for police in contemporary Turkish society partly stems

from its partiality and lack of legitimacy, while the public viewed the military as their savior since it rescued the country from chaos and civil war.<sup>37</sup>

The public's positive attitude toward the military is rooted in Ottoman society and perhaps an earlier era. Military and civilian senior government officials were interchangeable. The term "pasha" serves as a useful example. People have long equated it with "general," but it was a nonhereditary honorific, something akin to be an honorary "duke," and a title that could be granted to a civilian or a military officer. The military has always been the ultimate "guardian" since the time the Turks were wandering the steppes of Central Asia. This example is symptomatic of major cultural and historical differences between Turkey and Western European countries such as France, England, and Germany. The Turkish military is unique. It is the only military in the world that has seized power, not once, but several times, and voluntarily relinquished it when order was restored.<sup>38</sup>

During the 1970s, along with political and social fragmentation, the intensity of ideological conflicts in Turkey increased considerably in comparison to the two previous decades. However, this trend toward greater ideological polarization was more pronounced among the party elite and activists than among the general mass public.<sup>39</sup> The police force was no exception. Since the police as an organization was allowed the right to organize itself by the 1961 Constitution, which was drafted by the army, it started to establish its own unions that became very active and influential in the 1970s. The police joined two different unions: (a) *Pol-Bir* (Police Unity), which was an extreme and central rightist police officers' union, and (b) *Pol-Der* (Police Union), which was a leftist and social democratic-oriented police officers' association. This division led to further tension and rivalry in the police rank and file.

As Turkish society became more polarized and the public took to the streets to express its grievances, the police clashed with the protesters and suppressed those citizens whose political affiliations differed from its own. For instance, if a rightist group held

a demonstration, the members of *Pol-Bir* tolerated them, whereas the members of *Pol-Der* did not, and vice versa. The two rival police union members became involved in physical confrontations. Therefore, in the aftermath of the 1980 coup, the military-led government banned police unions altogether and dismissed most of the leftist police officers from the force. The army tried to cleanse political parties and various associations from leftist ideology and influences.<sup>40</sup>

The 1980 military coup sought to contain the fragmentation of the state and restore order. The democratic multiparty system in Turkey allowed Islamic groups to collaborate with other political parties closely. Throughout the Cold War era, the Kemalist elite, who viewed the communist groups in Turkey as a significant threat to state sovereignty, exploited the flourishing Islamic groups to serve as opposition to the Left. As a result, the Islamic movements benefited from the opening of the electoral space and the repression of the democratic leftist forces in society. Therefore, the 1980 military coup reshaped the previous power configurations and provided opportunities for new actors who sought to reformulate hierarchies of power and determine the structure of the distribution of sources.

The Turkish generals' decision to use Islam as a tool to weaken the leftist forces was motivated not only by their fear of communism but also by the need to train a malleable generation of youth who would not turn to the next opposition movement to the state. Turkey's marginalized groups were represented during the 1983 electoral process. At that time, the state recognized the Left as a threat to society, thereby approving the other groups' mobilization within the parameters of the allowed political space. Previously marginalized groups such as Naksibendi and the Nurcus used this opportunity to obtain political recognition and resources. From 1983 to 1990, these religious movements organized effectively to provide welfare services, community services, and support to those who desired upward mobility. The Islamic movements promoted their activities and mission through the free media after Prime Minister Turgut Ozal lifted the state

monopoly over the broadcasting system and allowed for non-state groups to connect locally and globally with their sympathizers in the audience. However, the state continued to control the realms of education and telecommunication until the early 1990s. This policy enabled the state to reshape and supervise the public space to make sure that it was abiding by the official nationalist and secular ideology.<sup>41</sup>

Prime Minister Ozal replaced Kenan Evren who was the first president to take office as a result of the 1982 Constitution's ratification by referendum. Previously, Evren was the chief of the military generals who had had staged the coup and of the subsequent government that ruled the country from 1980 to 1983. He resented his position as a "statist" president. Ultimately, Evren became involved in shaping domestic policies on addressing terrorism and the resurgence of Islamism. He surpassed beyond his domestic duties and took position on foreign policy issues such as the Cyprus quandary and Turkey's ties with NATO that legally fell within the prime minister's domain of authority.

In a short period of time, Ozal, who was the prime minister during Evren's presidency, started to assume his responsibilities fully. Therefore, Evren realized his proper place vis-à-vis the "political executive," and began to work with him effectively. Over time, Turgut Ozal began to play a more influential role. Gradually, both parties learned to lead in an efficient partnership, while respecting each other's realms of authority since Ozal cordially listened to Evren's criticisms that he voiced less frequently. In turn, Evren's attitude toward Ozal softened and he reverted to his legal position as a president of a transitional period. He was not popular due to his military experience not to mention his role as the leader of the coup and his election to a post-coup president position as a result of the ratification of the 1982 Constitution.

During his administration as president and then as prime minister, Ozal tried to revamp Turkey into "one of the ten or fifteen most developed countries in the World." On one occasion he said that Turkey had "to swim with the tide and reach the contemporary civilization." In his view, this goal could be achieved

through implementing pro-market, liberal policies. Ozal believed that as long as he devised policies that promoted the country's interests, nobody had the right to criticize his decisions. He valued his previous professional experience as the undersecretary of the State Planning Organization tremendously and was confident that he knew best because he had served the state bureaucracy. Therefore, he always behaved as a biased bureaucrat in both positions as president and then prime minister. For instance, he often made statements and emphasized the need for his administration to implement his policies.

During his time in office, Ozal breached his constitutional duties as president and embarked on direct implementation of the government's policies. As the founder of the MP, he used his charisma and political clout to ensure that his favorite policies would proceed further. In 1989, for instance, he elected Yildirim Akbulut as the leader of the party and later appointed him as prime minister since Akbulut showed receptiveness to Ozal's recommendations, specifically on the economy.

Ozal's growing influence on government policies resulted in negative reactions from intellectuals and journalists alike. However, Ozal did not pay attention to his critics. Instead, he protested the government's autonomous decisions without his advice, particularly on economic issues. With regard to foreign policy concerns, he acted single-handedly. At times, he neglected to consult the Ministry of Foreign Affairs and addressed foreign countries in an autonomous manner. When faced with criticism, he justified his decisions as preserving Turkey's national security based on his position as president of the Republic and chief of the National Security Council (NSC).<sup>42</sup>

Economically, Ozal's pro-liberal policies supported the rise of a traditional class of Anatolian bourgeoisie. The new class consisted of merchants, food processors, small and mid-size business owners, textile manufacturers, and peddlers from the heart of Anatolia who did not desire state intervention and climbed up the economic ladder on their own in the 1980s and 1990s. The rise of this class was coupled with significant migration from rural to

urban areas, which contributed to a widening gap between the rich and the poor, thereby creating a pluralist society founded on differences (i.e., secular vs. religious) as opposed to similarities.<sup>43</sup>

## The Ozal Administration: Gradual Displacement of the TNP

On September 12, 1980, the military seized power in Turkey for the third time in two decades. For more than three years, an NSC composed of five generals ruled the country. Although the generals handed back governance to civilian hands in November 1983, bringing the Motherland Party of Turgut Ozal to power, the country remained under martial law till the end of the year.<sup>44</sup> The military held many trials in its special courts.

Meanwhile, the EU made numerous allegations against the police, asserting the torture of detainees and poor prison conditions, thereby capturing international headlines. Nevertheless, the Ozal administration reached out to the European Commission (EC) in the hope of promoting economic and diplomatic ties as well as joining the democratic community of nations. The administration's overtures were met with tremendous hesitation and resistance from Europe.

At that time, the issues of human rights and democratization emerged as significant aspects of Turkey-EU relations. This moment can be viewed as a change in the traditional pattern governing Turkey-EU relations that used to focus almost solely on economic issues in the 1960s and 1970s. Enthusiastic to reactivate the Association Agreement, boost textile exports, and gain access to blocked aid, the Ozal administration sent a representative, foreign minister Halefoglu, to Brussels in January 1984. The outcome surprised the Turks: The EC conveyed clearly that a normalization of relations depended on the continuation of the process of democratization and respect for human rights.

The opposition of the European Parliament (EP) to Turkish human rights issues escalated as it showed its concern in four

resolutions in 1984 alone. This meant that Turkish return to civilian rule was not sufficient and Turkey had to show consistent commitment to human rights in order to improve relations with the Europeans. The content of the EP's report indicated a shift from focusing on democratization to specific human rights abuses. On the other hand, the EC withheld economic aid from Turkey despite German and British support. Several EU member states, such as Denmark, Greece, France, and the Netherlands objected to the reactivation of the Turkish accession.

By 1985, the EP's stance on Turkish human rights abuses hardened; in fact, the EP took up the Kurdish issue and accused the government of "launching a systemic campaign of genocide against the Kurdish minority."<sup>45</sup> Bolstered by the support of Kurdish activists and human rights organizations, the EP objected to the Turkish government's counterinsurgency in southeastern Turkey and denounced the state as 'the bloody reign of terror.'<sup>46</sup> On the Turkish side, trials of peace activists, trade unionists, and writers continued in the military courts. Social democrats, socialists, and the Greeks were particularly vocal about expressing their opposition in the form of parliament resolutions throughout 1985. Moreover, tensions escalated between the EC and the Ozal administration in regard to a bill that aimed at increasing police powers. The EC representative in Ankara issued a public statement, arguing that if the bill were enacted, it would deal a "fatal blow" to the efforts to reactivate relations between the EU and Turkey.<sup>47</sup>

In response, Prime Minister Ozal took a defiant stand on the issue, stating that the EC had no right to interfere in Turkey's internal politics. At the same time, however, he shared information on the status of Turkey's human rights record with European officials and parliamentarians. His public outrage did not overshadow his conciliatory actions; furthermore, this illustrates the actual influence of the Europeans, even if their reactions were interpreted as interference. As a response to the increasing allegations of torture and worsening prison conditions, the government designated a special task force to investigate these allegations in early 1985.

Its good rapport with the Council of Europe served as an advantage for Turkey to withstand growing internal and international criticism of its human rights record. To save itself from further embarrassment, the government embarked on the path toward democratization, announcing that it had reached this decision of its own volition, thereby portraying itself as autonomous and independent from the EU. Meanwhile, the Ozal government expressed publicly that torture and executions had occurred during the military rule, not during the rule of his civilian-led government. In fact, the number of torture and violations of human rights had risen during his first administration. This did not signify a rise in torture cases. Instead, it reflected the increasing openness of the political system with the introduction of democratic measures and the abolition of martial law. As a result, journalists and political activists used their newly found freedom of expression to shed light on the previous period's violations of human rights.<sup>48</sup>

While the EU member states judged Turkey's human rights records by European standards, the Ozal administration had to balance national security interests and appease the EU to obtain an accession negotiation date at the same time. Changing Turkey's image in the EU circles was not an easy task, especially since no EU member state had experienced internal security issues with grave implications for human rights such as a military coup or an insurgency on the scale that Turkey had experienced in its recent past. As I mentioned before, in the aftermath of the 1980 coup, managing political stability became a major concern for the political elite, public bureaucracy, and the public alike. Such a strong orientation toward stability and order eventually resulted in establishing a political regime that placed a great emphasis on order, stability, and executive effectiveness. Under stress and when seriously challenged by political violence, in particular in the aftermath of the 1980 military coup, governments backed by military generals took various measures that were meticulously applied by law enforcement agencies. The security policies of the governments during the 1980s rendered political unrest costly for

perpetrators. As the resurgence of Kurdish nationalism pushed Turkey to the brink of civil war in the 1990s, claiming 30 thousand lives mostly from PKK, the public's demand for law and order increased in the country. As a result, the state's use of physical force against violators of its Kemalist principles of unity and secularism increased dramatically. At every shootout between terrorist groups and security forces, large crowds gathered to cheer and demonstrate their support for the latter. The outcome was an increase in the police's application of force, thereby deteriorating Turkey's record of human rights and personal liberties.<sup>49</sup>

## The Limited Impact of the EU Reforms on the TNP: Research and Findings

Initially, police reform had targeted education of the police force in order to ensure their compliance with the EU's human rights and democratic policing standards.

### Training and Education

In the early 1980s, the TNP undertook an internally driven reform initiative, restructuring the education system in its five academies. These changes have resulted in younger academy graduates with a fresh perspective on law enforcement. The new system emphasizes the importance of human rights. Adhering to the Copenhagen criteria for human rights and democracy, as reflected in the seven harmonization packages passed by the Turkish parliament, the TNP has transformed itself into a modern and professional institution.

In April 2001, the highest-level police academy, located outside of Ankara, was transformed into a university with a four-year program. In addition, police vocational schools extended their program from nine months to two-year periods, training cadets to become regular officers. Meanwhile, the Turkish government upgraded the remaining police vocational schools to two-year programs.<sup>50</sup>

Generally, the Turkish police receive two categories of training: one is in-service training offered by the Department of Education operating directly under the GDS; the second is pre-profession training and is provided by the Police Academy.<sup>51</sup>

Furthermore, the Higher Education Council began to supervise the police academies. The council monitors and gives accreditation to the country's universities. Formerly, the police academies developed their own curriculum, requiring no approval from the government. Currently, however, the council requires that the Police Academy publish the curriculum for its review and approval.

At the same time, reform has been occurring through criticism and the exchange of ideas. Besides occasional papers and pamphlets, the Police Academy publishes *the Turkish Journal of Police Studies*, to which its faculty as well as other professors and practitioners contribute regularly. This effort has provided the opportunity for organizations such as Amnesty International to follow changes in police conduct and make recommendations to the curriculum. It is noteworthy that cadets at all police academies throughout Turkey are required to take a course called "Human Rights and Fundamental Freedoms" for two years. In turn, the TNP responded positively and worked with the Secretariat General of the EU, conducting regular seminars and conferences on human rights for senior officers who graduated before the reforms had been implemented, and for the police trainers themselves.<sup>52</sup>

Personnel reform accompanied innovations in training and education, especially since terrorism remains the most urgent issue for the TNP. Initially, several antiterrorist police officers realized how little they knew about the terrorist organizations they were investigating. As terrorism became more widespread in the 1980s and 1990s, the police realized the urgent need for reform. Another dilemma was that since most of the terrorists had some college education or were college graduates, the police officers interrogating them felt that they were at a disadvantage. This issue was of critical importance during interrogations since confronting the suspects requires playing a mind game; therefore,

the TNP leadership took several steps to address these shortcomings: First, police vocational schools became more selective and specialized. Although about 150,000 candidates applied to the police colleges in 2004, only 200 were able to enter after passing a series of tests. Second, the incoming freshmen were required to take intensive foreign language classes in order to become fluent in English, German, or French. Third, a cutting-edge education coupled with a boarding school environment has created a strong bond among the police college graduates who share information with their coworkers and other police officers in different cities, thereby confronting terrorism more effectively than in the past.<sup>53</sup>

### Human Rights Reforms

The time for constitutional reform was right, particularly in the area of fundamental civil and political liberties, since the Turkish Armed Forces' struggle with the PKK, which had resulted in the loss of thousands of lives and in martial law in southeastern Turkey, had finally ended with the arrest of Ocalan—the PKK leader. Under tremendous pressure and criticism from the EC, and international and national human rights organizations, Turkey embarked on the path to reform.

Indeed, the most significant and successful EU-anchored reform is the abolition of torture and mistreatment of those in police custody. Although the 1982 Constitution openly forbids torture and inhuman treatment, incidents of torture and mistreatment have been quite widespread in Turkey. In 2002, the Turkish parliament decided to sign the International Convention against Torture, and bring civil servants who violate human rights to justice. In response to the European Court of Human Rights' warnings, Turkish policymakers abolished the requirement to obtain the permission of competent administrative authorities to prosecute public servants and other public employees in torture and mistreatment cases. Therefore, public prosecutors can now take legal action against the perpetrators swiftly. Moreover, the

reform package, adopted on July 30, 2003, provided grounds for speedy trials in torture and mistreatment cases, considering that these types of cases should be treated as priority items on the courts' agendas.<sup>54</sup>

Naturally, as the police continued its intensive training on human rights for its personnel, it made mistakes. For example, when the riot police used truncheons and tear gas to disperse the demonstrators at an International Women's Day protest rally in Istanbul in March 2005, the visiting EU delegation in Ankara headed by Olli Rehn, the EU enlargement commissioner, issued a statement saying that it was "shocked by the images of the police beating women and young people." To some, the incident's significance belied the fact that, as Martin Shulz, leader of the socialist group in European parliament put it, "the police behavior demonstrates the gulf that exists between the official position that reforms are under way and the reality on the ground." In effect, the beatings reinforced lingering EU doubts concerning Turkey's readiness for membership.<sup>55</sup>

In the aftermath of the September 11 attacks, the police and the judiciary's conduct toward suspects and detainees of terrorist attacks has consistently deteriorated in European countries such as France, the United Kingdom, Germany, and Spain. Turkey is no longer the only human rights violator in European circles. My field research indicates that cases similar to the above do not occur as often as they used to 20 years ago; therefore, the reforms have made a positive impact on the overall police performance in Turkey.

At the same time, the general attitude of the Europeans toward Turkey's progress in regard to human rights has been negative. Consequently, recent decisions by the European Court of Human Rights (ECHR) reveal that existing measures in Turkey, which address allegations of police misconduct, are insufficient. In order to address the lack of civilian oversight and citizen participation in policing, law enforcement experts and reformers whom I interviewed, suggested that the government should establish a national complaint board. This attitude stems from a desire to emulate

and implement cutting-edge reforms such as this one, which has only been implemented successfully in the United Kingdom so far. Persons alleging police misconduct may submit complaints to as many as six government offices, with each employing different investigation procedures. In February 2007, realizing its critical importance to the reform process, the Ministry of Interior applied to the EU for funding needed to establish a national complaints system. This system greatly increases the effectiveness and accountability of the police and the gendarmerie, thereby providing Turkish citizens the right to complain against the above-mentioned law enforcement agencies. This ultimately will assist in raising public confidence and support the Turkish government in its zero tolerance policy against torture and ill-treatment.<sup>56</sup>

An equally important area of reform included shortening pre-trial detention periods. The detention period for collectively committed crimes was shortened to a maximum of four days, while the detention period for individual crimes remained unchanged at 48 hours, thereby assuring compliance with the ECHR. Moreover, the obligation to inform the detainee's relatives immediately was bolstered through eliminating the former exception to this rule. Finally, the new constitution declared that the state should compensate those who suffered damage because of unlawful detention or arrest.<sup>57</sup>

Furthermore, Mehmet Ozcan, a police academy professor, believes that the euphoria over human rights reforms has influenced the young officers' mentalities significantly. He expressed the impact of the reforms as follow:

There is a sense among the police that they will be held responsible and might even lose their jobs, if they commit or cooperate in cases of torture or illegal detainment of suspects. In addition, the police can be sued under the Article 125 of the Turkish Penal Code, so the PKK and other terrorist groups' legal representatives have used this law to sue the police in order to show inconsistencies in the trials' procedures, thereby getting away with crimes through implicating the police officers. Every suspect is guaranteed free representation in the court of law, but the police have

to pay out of their pockets or the TNP has to pay to represent the police officer in question. On the other hand, there has been another change: doctors, ruling political parties, judges, etc. do not defend the police anymore. In the 1980s, in the name of national security, they used to cooperate with the police, but now the police are under tremendous scrutiny.”<sup>58</sup>

One reason for the public’s lack of trust in the police stems from their perception that the force is politicized and ideologically biased since it has to remain loyal to each administration. Ozcan and Gultekin’s findings indicate that subjective interests mostly regulate appointments and promotions in the TNP. Every political party that is in power wishes to appoint their sympathizers and promote their own agenda in the Ministry of Interior and the GDS.<sup>59</sup> This reality, according to Caglar, pushes the police to have connections with high-ranking politicians to maintain their positions or to advance to a higher position. Clearly, this deviates from the rule of law, and lowers the morale and job satisfaction of police officers.<sup>60</sup>

## Turkish Police Reform: Progress and Obstacles

Obstacles to democratic policing in Turkey include the lack of an independent monitoring and controlling body such as the Police Complaint Bureau that is separate from the police and the Ministry of Interior. Currently, when a policeman violates any law, his colleagues from the same organization, a subdivision of the GDS, make an inquiry and determine whether to take disciplinary or judicial action. Caglar’s findings show that the police occupational culture and their solidarity prevent taking action against ordinary cases of police misbehavior and unlawful policing. According to the 1926 Turkish Penal Code, citizens can file complaints against the police through the GDS’s Inspection Department, which supervises the investigation of complaints against the police; however, this law

is rarely used because it is compulsory to get official permission from the offender's superiors and from the governor of the town or province before the complaint is filed. The public does not have confidence in the police to investigate themselves or to receive fair, impartial consideration. In fact, several studies show that the police are more likely to be unpopular compared to any other governmental officers or civil servants in Turkey.<sup>61</sup>

The above debates and exchange of ideas are taking place among Turkish scholars and practitioners, and the cadets are exposed to the importance of democratic policing in the classroom and then in the field. Although all 60 police officers interviewed reported that they generally agree with the benefits of democratic policing, about 72 percent of them complain that implementation of human rights has limited their ability to do their job properly. One police officer at the Ankara police department confessed that his professors at the police academy do not understand how challenging and stressful their job has become, especially because of the media scrutiny and popular disdain for the TNP in general. He complained that he has to work extended hours beyond his contract with no monetary incentives. Generally, the police earn meager salaries. In addition, the police do not have unions,<sup>62</sup> and are legally prohibited from forming them. This has served as another obstacle to democratic policing where police chiefs and the higher echelon of government officials do not receive feedback from the police department in general about job conditions and promotions. In fact, 12 young police officers reported that their supervisors do not take the time to listen to their concerns; therefore, there is no point in reporting misconduct or problems because nothing would change.<sup>63</sup>

Meanwhile, if the number of police force personnel (175 thousand) alone is taken into consideration, it seems that one police officer can serve approximately 382 citizens. When the figures from the gendarmerie and the coast guard are added to this total, the average becomes one domestic security servant per 146 citizens. Although this number appears high in comparison to European standards, the ratio of police working in urban area (175 thousand)

to the urban population (44 million) is 251 to 1. When the fact that there are 44 million people, or 66 percent of the total population, living in urban areas is taken into consideration, it is clear that the number of police officers who are working in urban areas remains insufficient. Consequently, the mounting workload of police in densely populated areas of Turkey where higher level of crimes occur remains a serious concern.<sup>64</sup>

In comparison to Turkey's ratio of police to population, its European counterparts lag behind as 477 policemen serve the needs of 100 thousand people. In Italy, that number increases to 488, whereas 394 policemen offer security services to 100 thousand people in Spain. Overall, the Turkish ratio of police to each individual remains higher than in Western Europe.<sup>65</sup>

In addition, a precise job description for police officers does not exist; moreover, there is an overlap between different law enforcement agencies' jurisdictions that has led to rivalries among the gendarmerie, the TNP, and the military.<sup>66</sup>

During interviews with Ibrahim Cerrah and Zuhtu Arslan, another underlying challenge was revealed—that there is an underlying tension between the police and *Jandarma*. Professor Cizre attributed this rivalry to the civil-military imbalance in Turkey to the military's power to change the configuration and distribution of power within the Turkish security sector.<sup>67</sup> While the Turkish government expressed its desire to comply with the EU's demands pertaining to police reform, it did not volunteer to reform the *Jandarma*. Clearly, the military wishes to maintain subtle control in civilian law enforcement. Police officers openly admit that their powers and responsibilities remain restricted because the gendarmerie's Central Command and the *Jandarma*'s intelligence unit frequently intervene or take over some of the TNP's legally sanctioned tasks much to the latter's resentment. Meanwhile, the Turkish media criticizes the TNP's performance frequently because of the rising crime rate, thereby questioning its credibility and legitimacy. Consequently, the police officers interviewed reported a great deal of sensitivity to the public and media perception on the one hand, while on the other hand they felt

burdened with the vast array of EU-led reforms that the Turkish government has imposed on their organization as a whole.

While the police *has* had to step out of its traditional duties such as maintaining public order and law enforcement in order to meet the staggering array of democratic policing protocols, it has not received adequate support from public officials who realize that the police should not be evaluated solely or even primarily on the basis of the rising crime rates. According to prominent scholar James Q. Wilson, "The police can do relatively little about preventing most common crimes, and those they can help prevent are precisely the ones that require the greatest knowledge of local conditions and persons and the greatest support in term of a willingness to report offenses and give information, from the populace."<sup>68</sup> Clearly, the Turkish case shows that the lack of trust between the public and the police has not helped push the reform process as far as the EU hoped for; however, it is not reasonable to expect the TNP to conform to the EU standards immediately and accurately at all times.

Realizing the constraints of the reform process, Wilson points out that the police administrators and local officials have to work with the human capital that they currently have, and this means "getting the police officer to do his duty, when what that duty requires is far from clear, will be mostly limited to organizational and legal factors."<sup>69</sup> Wilson argues that reform requires a shift from policing as a craft to policing as a bureaucratic function; indeed, a police officer is neither a bureaucrat nor a professional. As a member of a craft, police officers think of themselves as separate from society, having an art that can only be acquired through experience, and they prefer restrictions on entry into their occupation. Unlike journalists or carpenters, the police work in a hostile environment, producing a service of value that is not easily judged or defined.

As the above examination of the TNP shows, democratization is difficult and undefined. Currently, policing in Turkey has become more politicized as a job with more undefined and difficult responsibilities than before the reforms began. Limiting

the police's discretionary power has not necessarily led to a lower number of arrests. It only has made the police officers' jobs more cumbersome and time consuming. As Wilson observed in police departments in the United States, officers view reform as irrelevant and restrictions as unhelpful because these are rules that limit their discretion without telling them what to do.<sup>70</sup> Not surprisingly, most of the Turkish police officers concur. Yet they believe that the reforms would have positive implications for the police's image and Turkish democracy.

Nevertheless, Dr. Andrew Goldsmith's acclaimed and objective assessment of the TNP's reform consists of a comprehensive list of obstacles to democratic accountability of law enforcement in Turkey. First, the position and role of *Jandarma* remains ambiguous. Although its institutional position under the military would lead one to assume its accountability and transparency. However, the mere fact that *Jandarma* carries out policing duties in rural parts of Turkey and conducts its daily functions through paramilitary means does not bode well for security sector reform at least from the European perspective since the EU does not adjust for institutional peculiarities and its democratic mandate is not negotiable. Instead, it still expects a complete overhaul of the civil-military relations in Turkey. Yet the *Jandarma's* institutional autonomy and the Turkish state's reluctance to either subject the force to civilian oversight or combine it with the police as other European countries have done leads one to question its motives and commitment to the EU Copenhagen criteria. While the *Jandarma* implemented internal oversight mechanisms and was subjected to an internal audit requested by the Interior Ministry and conducted by the UNDP, there is no civilian oversight of this opaque institution.

Second, the TNP is too centralized for its own good in the sense that all executive decisions are made in Ankara and dictated to regional and local district chiefs. The TNP's decision making remains hierarchical, which has resulted in political decisions as opposed to prudent ones, particularly with regard to appointing, transferring, and removing district commanders.

Third, corruption still persists as a prevalent practice within the TNP. Police officers are often underpaid and work longer than stated in their contracts. Therefore, they take bribes to supplement their income. Although statistics are not available, Professor Ibrahim Cerrah, Ankara Police Academy instructor, and Ali Caglar, a leading police expert, identified this issue as a significant challenge to democratic accountability. Moreover, police corruption has led to low public confidence and a widening gap in police-community relations. Although more empirical research should be conducted on this issue, the 2006 EU Commission Report acknowledged the prevalence of this problem, expressing a deep concern about how corruption has contributed to the public's negative image of law enforcement in Turkey.

Fourth, the judicial system does not enforce the rule of law in an independent and impartial manner. Therefore, the judges and prosecutors have allowed members of law enforcement and *Jandarma* to commit human rights abuses and various misconduct without any punishment despite the public's attempts to file charges against them. Neither judges nor prosecutors have succeeded in enforcing the implementation of arrest and detention rights of suspects in custody, according to the 2006 European Commission Report. *Jandarma* still maintains the privilege to withhold evidence from public prosecutors. As long as certain sectors of the security and law enforcement system are not held accountable and act above the law, the theory of the "deep state" persists in Turkish society and governing structure.<sup>71</sup>

Another challenge to implementation of the Copenhagen criteria remains the lack of familiarity with the newly reformed Turkish Penal Code and Anti-Terrorism Laws (ATL), especially since legislation was codified into law in a piecemeal manner and there is not a single authoritative book that would educate and assist officers in interpreting the meaning of the law and applying it in cases of arrest and detention. The 1982 Constitution has been amended numerous times prior to and after the EU gave a clear signal to start the accession process in 1999. Therefore, there is a significant level of confusion among the police as well

as ordinary citizens as to what constitutes legal or illegal conduct. According to Dr. Mesut Bedri Eryilmaz, many suspects have been arrested and held in police stations only to be released several hours or days later since the police did not know on what legal grounds they were arrested and detained. Instead, the police exploit the 72-hour window to gather evidence regarding the suspect randomly.<sup>72</sup> As far as policing as a profession is concerned, this has led to frequent violations and misconduct by police officers themselves who work in teams and are not subject to direct supervision.

Moreover, there is no systematic internal oversight and control mechanism. Clearly, the EU regular visits, which result in annual progress report, remain the only consistent method of external oversight to which many police officers attributed the addition of another layer of difficulty to their already cumbersome and complicated job. Charles T. Call, a prominent expert on post-conflict police reform in Africa, the Balkans, and Latin America, lists promoting effectiveness and accountability as significant challenges to police reform since many police officers think that human rights laws and democratic policing standards diminish their effectiveness; therefore, they resist to comply because of the “buy-in” costs. However, Call emphasizes that in order to promote police cooperation, initiatives including external oversight and human rights regulations should be framed as necessary reforms to boost management and performance standards. Hence, the police would begin to view reforms aimed at effectiveness instead of an evasive way of punishing the police for misconduct.<sup>73</sup>

Overall, the Turkish police reform would have proceeded forward without the EU as a driving force and anchor. Since the military had been occupied with combating the insurgency in the southeast in the 1980s and the 1990s, the police have had to address terrorism expeditiously and with limited resources and knowledge. Therefore, a small group of reformist-minded experts and practitioners embarked on the path to reform, resulting in significant progress in a very short period. While anti-torture statutes and laws in regard to freedom of expression have promoted

the status of human rights in Turkey compared to its disappointing record in the 1980s and 1990s, the EU is still not satisfied and the Turkish public's support for the EU process has diminished significantly. The current state of Turkey-EU relations can be best described as a vicious circle. Nevertheless, the EU process has accelerated police reform that had already started internally and provided a framework for more focused reform.

## Conclusion

This chapter traced the roots of the police to the Ottoman era reforms and chronicled its transformation from a rudimentary force dependent on the military to a professional and independent agency capable of protecting the Turkish state's internal security. Endogenous factors, as opposed to external pressures, paved the way for the gradual displacement of the TNP from the military in the early 1980s, marking a clear departure from the previous institutional reform pattern, institutional layering.

In the next chapter, I will present my major research and findings including TNP officers' reactions toward the EU reform in conjunction with feedback from various civil society actors and political party deputies. After assessing the impact of the EU reforms on the TNP, I will compare and contrast the Turkish case with its Bulgarian and Romanian counterparts in order to elucidate the underpinning factors that contribute to the success or failure of police reform in the above-mentioned countries.

# Chapter 3

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## Research and Findings

### Introduction

In the previous chapter, I explored the changes and continuities of the role of the TNP within the historical context of the Turkish state whose roots date back to the Ottoman bureaucratic and political reforms of the nineteenth century. Turkey's march toward Europe has continued from the Ottoman era and remains a constant force in its contemporary politics. Since Turkey's human rights record became a focal point of contention between Turkey and the EU in the 1980s, Turkey has had to reform its legal and political systems in accordance with the EU's democratic criteria.

Although the EU did not consent to Turkish accession for full membership until the 1999 Helsinki summit, I contend that the Turkish police had already embarked on the path toward training a modern professional force. Why do police departments change? Is the EU accession process the anchor or the trigger for police reform in Turkey? My research and findings illustrate not only a timeline, but capture the sequence of internal conditions and factors that pushed the reformist wing of the police to take charge of the TNP in the early 1980s. Evidently, police reform preceded the dizzying array of EU reforms. However, the EU reforms pushed

Turkey to transform legal and political structures that helped accelerate TNP reforms in the post-Helsinki era.

The first part of this chapter consists of an overview of the position and function of the police vis-à-vis the *Jandarma*. I will present my findings based on police officers' responses to an open-ended questionnaire that I distributed in 2007. Then, I present my findings based on semi-structured interviews conducted in 2007 and 2008 with various civil society actors about their role in the Turkish side of the EU accession process and their perspectives on the status of police reform in Turkey. Then, I discuss the relevant domestic and international factors that galvanized civil society actors to lobby the government and communicate the nuts and bolts of the EU accession process to target audiences in order to obtain support from various segments of Turkish society. After reviewing and analyzing the available and relevant literature on this topic, I account for strengths and shortcomings of my research and findings. In conclusion, I present a general comparison of the Turkish experience with Bulgaria and Romania in regard to compliance with the Copenhagen criteria. Finally, I put forth my key findings and conclusions.

### The TNP and the *Jandarma*: Dual Law Enforcement

As stated in the previous chapter, the TNP has traditionally been a centralized force in charge of maintaining internal security in Turkey's urban areas including municipal boundaries of cities and towns. The *Jandarma* has traditionally carried out policing duties in rural areas, villages, and small towns. Throughout Turkish history, centralization has remained the most formidable feature of the country's administrative and political structures. Modeled after the French system, Turkey's police gained a reputation as a centralized and coercive force, especially in the 1980s.<sup>1</sup>

In theory, the TNP has been subject to government supervision in the sense that the Ministry of Interior oversees and provides

funding for its day-to-day operations. In practice, however, the TNP's supervision is divided nationally among the chief of police, the commander of the *Jandarma*, and the commander of the coast guard. These senior officials report directly to the Ministry of Interior. At the provincial level, the local police chief and commanders of the above organizations have some authority to manage daily operations. The local police and the *Jandarma* in each province respond to the highest civil officials and are accountable to the public prosecutor regarding judicial matters.<sup>2</sup>

The Turkish *Jandarma* functions currently as a security agency, responding directly to the Ministry of Interior in regard to law enforcement and policing tasks.<sup>3</sup> Concerning its wartime and military operations, the *Jandarma* reports to the Turkish armed forces.<sup>4</sup> The US Coast Guard's position and function are analogous to the *Jandarma* in the sense that it serves under the Department of Homeland Security in peacetime, but responds to the US Navy during military operations and wartime.

Since Turkey has dealt with national security threats such as terrorism and PKK-led insurgencies, the *Jandarma* has served as the military's arm in this ongoing struggle since the early 1980s. Previously, the *Jandarma's* functions comprised law enforcement duties, so it used to perform typical police duties such as patrolling highways and enforcing traffic regulations. At that time, the police's jurisdiction was limited to metropolitan areas such as Adana, Ankara, Istanbul, and Izmir. In recent years, the police has emerged as the only law enforcement agency in charge of the national highways in Turkey, while the *Jandarma* is still in charge of policing the villages, particularly in the east and southeast.

The EU has expressed its uneasiness in regard to the *Jandarma's* role in Turkish society and has hinted at reforming that agency into a civilian police force, but the military has ignored the EU's concerns because of Turkey's security dilemmas that exacerbated due to domestic factors, in particular, the massive civil disorder of the 1970s followed by the outbreak of the PKK rebellion. In contrast, none of the EU's member states has experienced difficult security challenges comparable to the extent of insurgencies and

terrorism that Turkey has faced.<sup>5</sup> Even within the EU, there is no consensus on the role of the gendarmerie; in fact, policymakers in each member state have behaved according to their own national security interests and legal frameworks. Several European countries have dismantled their gendarmerie; for example, the Belgian gendarmerie integrated its forces with the civilian police and became accountable to its Ministry of Interior in 1992.<sup>6</sup> Unlike its French, Italian, and Spanish counterparts, the Austrian gendarmerie has been brought under the exclusive control of the Ministry of Interior since the late nineteenth century.<sup>7</sup>

## Findings and Discussion

I created a questionnaire in English and Turkish that was distributed to members of the TNP in 2007. The collected data reflect the experiences and views of both young and old policemen.<sup>8</sup> The majority of respondents had served in cities such as Ankara and Istanbul, but their professional experience was not limited solely to these cities. The respondents ranged from recent police academy graduates with less than a year of service in counterterrorism squads to policemen who have supervised antiriot units for the past 15 years. The average respondent had at least seven years of professional experience at the time of my research. I assume that they are conscious of their occupational problems and are capable of providing valid and reliable responses to the questions. Sixty respondents returned their completed questionnaires, although I had initially distributed the forms to eighty-five members of the force. The Turkish police usually come from the middle and working strata of society; therefore, they are truly representative of those segments of Turkish society. The respondents answered this questionnaire knowing that their identity would remain anonymous. Their current place of service remains anonymous.

The data were collected following the non-probability purposive sampling method because it was not possible to access the police by calling police stations and departments and requesting

interviews. Since policing in Turkey is a politicized and male-dominated profession, I conducted my research by targeting any TNP officers or chiefs depending on their willingness to participate.<sup>9</sup> Therefore, snowball sampling served as a useful tool because access to police proved difficult at times. Prior to my first research trip that lasted six months, I made contacts with TNP officials in the United States at two conferences and at a Turkish embassy reception. However, my social contacts secured access to TNP officers upon my arrival in Turkey in January 2007.

## The TNP's Attitude toward EU Reforms

*Opinions on the speed of the EU reforms:* Ten officers had a negative view toward the pace of reform. They described it as “slow.” Twenty-one (35 percent) officers had a positive attitude toward the reforms, describing their pace as “fast.” Twenty-nine (48 percent) officers expressed mixed reactions and wrote more detailed and complex responses such as “reforms used to be fast in the beginning of the EU harmonization process, but by now (the beginning of 2007), they have slowed down due to resistance from Turkish politicians, government, and police chiefs.” Some also noted that the police had achieved certain reforms more quickly in the beginning, but had trouble in implementing other reforms because of a lack of sufficient capacity. Three (10 percent) officers out of the above-mentioned 29 characterized the pace as average.

*Impact of EU reforms on TNP:* Eighty-six percent of respondents (52 TNP members) thought that the EU reforms had influenced the Turkish police positively and that the reforms were necessary with or without the EU accession process. Five officers thought that the reforms had affected the TNP in a negative way since the rate of crime had increased and the police did not have the power to enforce the law as strictly as it had done in the past because of the limitations imposed by the EU criteria. Three police officers felt that reforms have had little or no impact on the TNP because “change” had been under way since the early 1980s, so any external

EU anchor makes no difference for the police. Nevertheless, they thought the EU reforms were necessary to adhere to because the Turkish public desires a democratic society. No one brought up or considered the option of Turkey abandoning the EU process. Everyone was supportive of Turkish commitment to modern democratic principles with EU membership as the end goal.

*Impact of EU reforms on overall democracy in Turkey and obstacles to implementation of reforms:* Fifty percent of respondents (30 out of 60) cited the military's involvement in Turkish politics as a major obstacle to Turkish democracy. They complained that the Turkish military should face the same level of public scrutiny as the police. In addition, they were acutely aware of the military's high esteem and popularity in Turkish society. Yet, they thought that it was "unfair" that the military has not faced any consequences in spite of its previous coups and its interventions in politics in subtle ways such as issuing a memorandum warning the government against electing an "Islamist" president on its website, thereby ushering an e-coup in April 2007.

These respondents thought that the EU had not subjected the military to enough reforms, in contrast to the police. Five percent felt that the centralized nature of the Turkish state impeded the future success of the reforms. Eleven percent of respondents felt that external opposition from EU member states such as Greece and Cyprus was the main obstacle. In their opinion, the EU is a Christian club; therefore, it would never welcome a Muslim-majority state such as Turkey into the union. Thirty-four percent of respondents thought that in spite of some resistance to change from within, the TNP has made significant progress toward making reforms. Because of the EU reforms, they also thought that the Turkish government had gained more power vis-à-vis the military, thereby rendering the military hesitant to intervene in politics. The EU reforms had helped boost civil liberties, human rights, and freedom of speech.

*Turkish police's perception of how the Turkish public views them:* Respondents were asked to comment on the public perception

of police and if there had been any changes. Thirty-seven percent of respondents reported that the public still holds the police in low esteem, so the police have been trying to promote their public image and reputation. With that in mind, the police have taken some measures, but more should be done. Overall, the police enjoy a better reputation and a cleaner image than before the beginning of reforms. Twenty-eight percent of respondents thought that the police as an institution had gained a bad reputation since the 1960s due to corruption, indiscriminate use of force, lack of professionalism, and politicization throughout the ranks. They thought that lack of appropriate education and training leads to the above problems. Eighteen percent of respondents dismissed the public opinion polls that cite the public's low esteem for the Turkish police due to the media's bias against them. The remaining 17 percent thought public-police relations were making steady progress, but that the police should launch an effective public relations campaign in order to improve its image.

*The police's attitude toward the Jandarma and the status of the police—Jandarma relationship:* Ninety-seven percent of respondents reported that while the police controls law enforcement in urban areas, and the *Jandarma* is responsible for rural areas, the police reports to the Ministry of Interior, but the gendarmes are a paramilitary force under the military's control. According to members of the TNP who answered this questionnaire, the *Jandarma* comprises young Turkish male citizens (18–20 years old) who carry out law enforcement duties in the rural areas of Turkey to fulfill their military service. Thus, they have not received adequate education and human rights training. Lack of public accountability and overlapping jurisdictions with the *Jandarma* impede the police from doing its job properly. The remaining 3 percent do not think that there is a relationship between the police and the *Jandarma*. Table 3.1 summarizes the most notable findings.

During my second round of field research in 2008, reforms had slowed down dramatically and the EU's pressure on the government had weakened. The sluggish pace of reform has created

**Table 3.1** TNP's attitude toward EU reforms (2007)

<b>Turkish Police's Attitude</b>	<b>Positive</b>	<b>Negative</b>	<b>Neutral</b>	<b>Mixed</b>
Speed of EU Reforms	21	10		29
Overall Impact of Reforms	52	5		3
TNP's Perception of Public Confidence	10	22		28
Police- <i>Jandarma</i> Relations			2	58

*Note:* All numbers are percentages.

a vicious circle. Nevertheless, most EU member states maintain their support for Turkish accession.<sup>10</sup> Meanwhile, Turkey still remains committed officially to the EU accession process.<sup>11</sup>

Based on my field research, I gathered from the questionnaire respondents that police reforms would have occurred without the EU anchor, but the legitimacy of the EU conditions still mattered. Although a small percentage stated that policing had become more difficult and cumbersome because of the complexity of the EU human rights criteria, the respondents never questioned the legitimacy of the EU process and its incentives. Current literature on police and human rights laws support my finding that the police may feel restricted by the rule of law and human rights protocols that lower their effectiveness in dealing with crime and suspects. Consequently, they may perceive criminal justice procedures as uncertain and cumbersome measures favoring the suspect.<sup>12</sup>

Besides the police's own attitudes toward human rights laws, other factors influence their attitudes toward human rights laws. In 2006, Dogru conducted a survey in Ankara and Diyarbakir to measure the attitudes toward human rights protocols employed by police officers in each city's antiterrorism department, public order department, antiriot division, and police stations. Dogru intended to discover whether demographic variables (such as rank, gender, age, education, years of service, marital status, department, and city of employment) had any effect on attitudes toward human rights or job satisfaction. He found that officers working in both Ankara and Diyarbakir were satisfied equally with their

jobs. While those working in antiterrorism departments showed higher satisfaction, police officers working in Ankara showed more positive attitudes toward human rights laws than their colleagues in Diyarbakir. In contrast, attitudes toward the use of force were not different among officers in both cities. Officers working in antiterrorism departments had the most positive attitude toward the right to life and use of force, while those employed in the riot department showed the least positive attitudes regarding these matters.<sup>13</sup> Dayioglu's 2007 study confirms Dogru's findings: Police officers' attitudes toward human rights laws are significantly correlated with their attitudes toward the use of force. Police officers who exhibit positive attitudes toward human rights laws are less likely to resort to force. In other words, the more officers respect human rights laws, the more they respect the suspects' rights, so they would not resort to force. Furthermore, the attitude of police officers toward human rights laws is one of the powerful predictors of their job satisfaction level.<sup>14</sup>

Another factor that influences the police's attitude toward human rights laws is international trends in counterterrorism and counterinsurgency. Several respondents questioned the United States' struggle against terrorism and counterinsurgency in Iraq and Afghanistan, and shook their heads in disappointment at Western countries whose detention and torture laws had infringed upon their core democratic values. Naturally, they found the EU "hypocritical" and "unfair," while giving examples of how terrorist suspects are treated in Spain, Britain, and the United States.<sup>15</sup>

## An Internally Generated Police Reform

During the second round of field research in 2008, I encountered noticeable skepticism and anti-EU sentiments from opposition political party deputies and members. Many journalists, lawyers, and opposition party deputies declined my requests for interviews. I attribute this to the widening police investigation of those involved in the Ergenekon case, which has induced fear and

insecurity in the hearts and minds of many people in Turkey.<sup>16</sup> In contrast, the AKP party workers expressed optimism about the EU accession process, while blaming domestic factors such as the constitutional court case against the AKP for temporary deceleration of the reforms. According to those who declined interviews, most of the TNP's EU-funded program had ended successfully, implying that the TNP had accomplished police reform as a project.

As explained in chapter 1, EU scholars assume that the EU accession process provides the only available framework and anchor for reforms in Turkey. Yet they consider the Kemalist elite's Western-oriented beliefs and policies including Turkey's commitment to NATO an important ideological factor, raising Turkey's chances in its drive to join the EU. As for the Turkish political culture, they refer to nationalism as a salient and strong feature of its volatile and partially democratic regime. Together, the above-mentioned variables and assumptions do not bode well for Turkey's EU membership since internal factors would continue to impede the pace and the quality of reforms. According to the logic of EU scholars, the TNP as a nationalist and centralized state institution would not have the incentive to reform itself, thereby stressing the importance of the EU accession process as the only anchor and accession as the ultimate reward upon compliance with EU criteria.

However, my field research shows that this reform process is an indigenously led series of efforts, engaging many actors from different sectors of Turkish society, to restructure and modernize the police according to Turkish national security interests. In the post-1982 coup era, EU-Turkey relations had deteriorated significantly, thereby rendering an EU impetus for reforms inconceivable. In response to criticism from Western European leaders, Turkey despised the European lack of understanding of its internal security problems, and argued that counterterrorist measures were aimed at establishing law and order as a prerequisite for democracy in the post-1983 coup era. The Turkish public opinion turned anti-European as the PKK sympathizers

spread propaganda against Turkish accession to the EU. The Ozal administration notified the press of socialist and communist support for the PKK's activities in some Western European countries, where local organizations supported the PKK and local Kurdish organizations.<sup>17</sup>

Like his predecessors, Ozal's efforts to move closer to the EU indicate his recognition that the reform of the police and the *Jandarma* was necessary to defeat the PKK and to move closer to the United States and Europe simultaneously. Retrospectively, historical evidence of his attitude toward economic development and market reform suggest that political reform and free market reform are directly linked to one another. Ozal understood that he had to restore and maintain law and order before undertaking liberal reform projects in order to make Turkey an attractive location for foreign investment where both domestic and foreign businesses can flourish.

In contrast to recent studies,<sup>18</sup> evidence drawn from my interviews with senior police officials underlines the gravity of internal threats to Turkish sovereignty and state survival. The sudden rise of terrorist incidents and the high number of casualties in the beginning of the 1980s grabbed headlines in the media. In addition, the massive disorder of the 1970s was not a distant memory. Therefore, the government was compelled to resolve the public's concerns swiftly. The PKK and leftist movements such as DHKP/C (Revolutionary People's Liberation Party/Front) and TIKKO (Liberation Army of Workers and Peasants) carried out numerous terrorist attacks against Turkish targets. Therefore, the TNP, as part of the government's law enforcement apparatus, began to revamp its organizational structure to address its shortcomings and dispel the perception that the government was not equipped to deal with the ongoing threat against state sovereignty.<sup>19</sup>

In the 1960s and 1970s, the police had been preoccupied with maintaining public order during student demonstrations and pro-labor rights rallies; therefore, the government had allocated significant resources and training to address this grave issue. Naturally, the police had specialized in maintaining public order.<sup>20</sup>

However, that changed in the 1980s with the rise in terrorist incidents and with escalation of the Kurdish insurgency. The Turkish military's jurisdiction covered only those areas where the government had declared martial law. Initially, such areas covered over half of Turkey's territory, but as the police became more competent, particularly in the larger metropolitan areas, the military began to relinquish its jurisdiction in favor of the police. Due to the scale and escalation of the conflict to other areas, the military and the *Jandarma* needed to redeploy their resources in areas away from Western Turkey, and they could not achieve that until the police had gained the capacity and the efficiency to replace them. As a result, the government began to rely on the police as a major actor in its counterterrorism campaign.<sup>21</sup>

The early 1990s were marked with vibrant internal debates that led the Turkish government to continue on the path of reform with particular focus on the police since Turkey's human rights record had impeded its application for membership. Following the arrest of Ocalan in 1999, the Kurdish insurgency went underground and spread to Syria, Iraq, and Europe. In 2004, the PKK commenced a campaign of attack on Turkish civilians and military forces. Therefore, 1999–2004 marked a period during which the temporary reprieve from the Kurdish problem provided the space and opportunity for the government to focus on substantial democratization and human rights reforms in accordance with EU demands.

For example, lawyers and the coalition government had thoroughly scrutinized nearly all laws related to police and law enforcement and made recommendations for revisions. The most significant step toward democratic policing stemmed from reforming the Criminal Justice System Act (CMUK) in 1992. Turkish lawyers and lawmakers revamped and modernized the original act, which was modeled after the German Criminal Justice Act. Inspired by the British Police and Criminal Evidence Act of 1984, they introduced new changes such as shortening the period of detention, improving conditions for interrogation, and granting legal representation to suspects who do not have access to an attorney or the funds to hire one. According to the old act,

a detainee could only have access to an attorney in court, not in the police station.

These unprecedented and significant steps toward democratization were met with opposition from TNP senior officials. For instance, the chief of Antalya police, Erturk, claimed that the police faced difficulty in applying the new act since it offered legal representation to the suspect at every stage of detention, but did not respect the rights of the victim. Moreover, the previous Minister of Interior, Gazioglu, thought that the new act was not fit for the Turkish policing system since it gave too many rights to the suspects and limited police powers.<sup>22</sup>

Although the Turkish public viewed the police's fight against terrorism as "successful," the press always questioned the ill-treatment of suspects after every counterterrorist operation. By the early 1990s, for instance, there had been sufficient public discussion and media attention addressing the alarming rate of police misconduct and inhuman treatment of suspects.<sup>23</sup> Cao and Burton's study employing data from the *World Values Survey* indicates that the Turkish public has had a high level of confidence in its police compared to more mature democracies of the EU. Over two-thirds of Turkish respondents in the *European and World Value Survey* reported increasing confidence in the TNP. These results hint at an upward trend in public confidence in the police that in 1990 was 62.5 percent and had risen to 68.6 percent for the 1995 sample. In 2000, 70.7 percent of the Turkish public expressed confidence in the police. The 1995 level of confidence was significantly higher than the one in 1990, but it was lower than the most current data in 2000. I should note that the sample size has consistently increased over the years, from 1,030 respondents in 1990 to 1,907 respondents in 1996, and then to a final 4,543 respondents in 2000.<sup>24</sup> Cao and Burton conclude that the rising trend in public confidence in police corresponds with theoretical predictions that public confidence in the police tends to increase when society becomes more democratic.<sup>25</sup>

Other objective experts note otherwise. Dr. Andrew Goldsmith, who was commissioned by the UNDP and the Ministry of

Interior, believes that the rising public trust in police seems to stem from the TNP's receptiveness toward social demands for democratization and human rights.

As I will discuss in chapter 4, the TNP sponsored several public relations campaigns to improve its own image. Moreover, the Ministry of Interior launched community policing initiatives in big cities that could have contributed to the increased level of public trust in police. Cao and Burton conclude that rising public trust in police is based on the popular perception that the TNP and the political elite have protected society against serious threats, particularly against Kurdish separatist groups' demonstrations.

This outcome does not astonish in the sense that Turks desire political stability and many associate the PKK's ultimate aim as territorial autonomy of the Kurds from Turkey. Therefore, populist and nationalist support for the police's antiriot squads against pro-Kurdish rights demonstrators should not be confused with the emergence of the public sector's democratic accountability.

Another unusual outcome from Cao and Burton's research reveals a rising level of Kurdish confidence in urban police as opposed to rural police. Goldsmith finds this an odd development since the majority of studies on public-police relations in other countries suggest the opposite trend. In Turkey, however, rural inhabitants-police relations are not typical because of the overarching and unresolved issue of internally displaced persons, the Kurdish separatist issue in rural areas, and a long history of the martial law and emergency rule.<sup>26</sup>

Furthermore, I contend that the rising public confidence in the police demonstrates their rising trust in the government's performance, since the government views the police as a bureaucratic law enforcement agency accountable to the democratically elected government of Prime Minister Erdogan. In addition, the Turkish public's rising confidence in the police may indicate their satisfactory response to the police's day-to-day service to the public. As the police has conformed to the EU protocols, it has transformed from a watchman kind of police into a competent service-oriented force.<sup>27</sup>

The public confidence in the current government and the police shows its appreciation for stability and efficacy. In contrast, the Gallup polls in the late 1990s and early 2000 indicated a low measure of trust in politicians and the Ecevit government. As for the armed forces, 81.3 percent of those surveyed said that they trusted the armed forces in December 1996, compared with 78.8 percent in January 1997 and 78.9 percent in June 1999. Even in September 1999, a month after Turkey had suffered the trauma of a massive earthquake, the armed forces still shined as the most trusted institution with 65.1 percent rate of confidence followed by Turkey's police with 51.7 percent.<sup>28</sup>

According to a recent Pollmark survey, 64.3 percent of the Turkish public believes that the most successful institution is the police. This opinion poll reveals a surprising shift in the Turkish public's view that the military, traditionally, been the most trusted institution. However, here the military lags behind the police with 60.4 percent rate of approval and the presidency with 51.3 percent support. According to 30.6 percent of the respondents, their most admired politician is Prime Minister Erdogan. It seems that the ongoing investigation into Ergenekon, a crime network that has allegedly been connected to clandestine elements within the state and is suspected of plotting coups against the government in favor of the military, has tilted public opinion toward the police.<sup>29</sup>

Reference to public opinion polls and survey results in this chapter has compelled me to point to several caveats. I caution against making conclusions based on poll results for several reasons. First, the survey questions asked in the Pollmark study are not published. Second, survey respondents may or may not reveal their true thoughts or emotions for fear of retribution or the danger of losing their jobs. Third, public opinion polls and surveys are not done as frequently and efficiently in Turkey as in its Western counterparts. Fourth, the Pollmark-sponsored survey is limited to 12 major cities in Turkey, so it does not reflect the public confidence in eastern and southeastern major cities, previously known as the hotbeds of terrorism and insurgency, such as

Diyarbakir and Van where the armed forces clash with protestors frequently.

## The Emergence of the EU: Realignment of Domestic Politics

Internal dynamics and the emergence of other actors provided a conducive environment for reforms within the police. The waning Kurdish insurgency and the arrest of the PKK leader Abdullah Ocalan, in 1999 presented two significant turning points for Turkey-EU relations. The EU's promising announcement of Turkish candidacy for full membership had meant fulfilling the Copenhagen political criteria with the most controversial conditions consisting of abolishing the death penalty, eradicating police torture, and granting cultural rights to the Kurds—all human rights issues aimed at curtailing the armed forces' power in favor of Turkish citizens.

When the EU granted candidate status to Turkey at the 1999 Helsinki summit,<sup>30</sup> the Kemalist conservatives continued to view the EU accession process as a threat to Turkey's national security. Therefore, even the slightest measure toward democratization and amelioration of human rights taken by the Kemalist moderates (in this study, the pro-EU camp, particularly the TNP) was exaggerated as a security issue and had to be protected from unwanted interferences. The most striking feature of this power struggle was that the actors behind these two camps sought or claimed to seek the same goal: a truly modern Turkey in line with the path of modernization set by Ataturk. Although the anti-EU bloc enjoyed considerable support from ultranationalists, certain military generals, the bureaucratic elite, and from left-wing politicians, the economic benefits of EU membership served as an attractive incentive for skeptics who feared that these politically costly reforms would challenge the Kemalist order.

Evidently, the Turkish parliament and the weak coalition government of Prime Minister Bulent Ecevit worked to overcome

ultranationalist and authoritarian sentiments to reach a pro-EU compromise. In spite of Prime Minister Ecevit's illness and a continuous lack of agreement among members of parliament, the assembly succeeded in obtaining the opposition parties' consensus in a very short period and passed a European Union Adoption package including 15 articles that seemed to meet the human rights requirements of the EU on paper. Thus, the comprehensive set of constitutional and legal reforms signaled Turkish preparedness for the opening of accession negotiations in December 2001.<sup>31</sup>

Trapped in their Sevres<sup>32</sup> mentality, the conservative Kemalist front faced a serious dilemma since it was unable and unwilling to end Turkey's bid for EU membership. Doing so would have meant the betrayal of the Republic's founder, Mustafa Kemal Atatürk's revolution and modernization dreams, and ultimately the loss of Kemalism's ideological legitimacy.<sup>33</sup> Undoubtedly, in the post-1999 Helsinki era, the EU played a crucial role in shaping power relations between the military and civilian elites. Moreover, the military generals were quite concerned about the status of their own privileged position; however, they did not object to the EU reforms for fear of risking their reputation and legitimacy. The military that had declared unyielding support for the EU accession process maintained the same position consistently. Evidently, the generals did not want their reputation to suffer, had they resorted to their veto power.

As early as March 2000, Ecevit's coalition government advanced a National Partnership Accession Agreement (NPAA) designed to help meet EU criteria. This program proposed 89 new laws and 94 amendments to existing laws. There was, however, opposition to some proposed measures from the Nationalist Action Party (Milliyetçi Hareket Partisi, MHP), which was then a member of the governing coalition, and from certain voices within the military. Develt Bahçeli, the leader of MHP, declared, for instance, that Kurdish language education and broadcasting "are not going to happen," and another MHP deputy, responding to European concerns on human rights issues, suggested, "Issues that go against

the fiber of our country are not matters open to discussion.”<sup>34</sup> Ziya Onis, renowned Turkey-EU expert and academic, observed in the aftermath of the Helsinki summit that Turkish leaders did not completely comprehend how the EU requirements would interfere with Turkey’s domestic politics and that human rights would become a prerequisite for entry.<sup>35</sup>

The ongoing power struggle and lack of consensus on the implementation of reforms ended in a dramatic result: Turkey’s reform record did not stack up against the short-term goals of the Admission Partnership Document (APD) by March 2002, one year after the NPAA had begun.<sup>36</sup> In the eyes of the EU, the Turkish government’s unsatisfactory performance in meeting the Copenhagen criteria moved the country increasingly out of line with Europe. Meanwhile, the Kemalist conservatives’ formula of inaction and cosmetic changes, which had been undermining Turkey’s bid for membership, sounded increasingly out of touch with the Turkish public’s overwhelming desire and aspiration to join the EU.

As a result, the struggle between the forces of change and inertia entered a new phase that resulted in the ascendancy of a vibrant Europhile coalition committed to implementing the political reforms required to meet the Copenhagen criteria.<sup>37</sup> The TNP, backed by Prime Minister Erdogan’s mandate for democratic consolidation and improvement of human rights, not only became a major actor in the reform process, but should also be viewed as a successful example of a government-run bureaucracy within the security sector that has struck a balance between preserving Turkey’s national security interests and improving its human rights record.

Meanwhile, the Turkish civil society<sup>38</sup> did not sit idle as the EU process gained momentum in the post-Helsinki era. Arguably more than any political party or civil society organization, specifically voluntary pro–big business associations such as TUSIAD (Turkiye Sanayici ve Isadamlari Dergeni), had lobbied the Turkish government for promotion of civil and human rights in addition to better governance prior to the Helsinki summit. In 1997, this

organization had published a controversial report, pressing for major political reforms, which was met with resentment and discontent from the military and other sectors of the Turkish state. As TUSIAD continued to lobby Brussels, its organized media campaign worked on convincing the Turkish public of the economic benefits of EU accession. Undoubtedly, any positive outcome in this process would benefit the business community's interests.

Other civic organizations tied to the private sector such as the Economic Development Foundation (IKV) and the liberal think tank Turkish Economic and Social Studies Foundation (TESEV) have actively organized public relations campaigns to build pro-EU support within the Turkish public and justify the urgent need for political and economic reforms.<sup>39</sup>

TESEV's recognition of the need for civil-military reform according to EU criteria, as noted in the consecutive Annual Progress Reports on Turkey, has culminated in a series of collaborative efforts between the government, parliament, and the armed forces (military, police, and gendarmerie). Notably, TESEV experts represent Turkish civil society. Since the mere idea of security sector reform and civilian oversight of the armed forces has stirred heated debates, TESEV's factual and objective publications have helped policymakers, journalists, and members of the armed forces exchange their views on key issues—such as democratization and civilian control of the armed forces—with the Turkish people. TESEV's remarkable collaboration with the Geneva-based Center for the Democratic Control of Armed Forces (DCAF) has contributed to the Turkish progress toward EU accession through the publication of a series of controversial and compelling books such as the *Almanac Turkey 2005: Security Sector and Democratic Oversight*.<sup>40</sup>

In 2007, during the first round of interviews, police experts Ibrahim Cerrah and Mesut Bedri Eryilmaz mentioned that their contribution to the above-mentioned publication stirred controversy within the police academy as well as within the military.<sup>41</sup> Umit Cizre, a Bilkent University professor and civil-military relations expert who had edited the *Almanac*, expressed the urgent need for a civil debate on reform of the armed forces in Turkey.

When the *Almanac* was released in 2005 and its publication was celebrated at TESEV, the nationalist and anti-EU press slammed Cizre and her colleagues for criticizing the armed forces, especially the military. The chief of general staff issued a statement, warning Cizre and TESEV to stop these types of anti-state activities. Nevertheless, TESEV proceeded to publish the next almanac in April 2008.<sup>42</sup>

Supported by the EU's generous funds, the Turkish NGO sector has actively participated in many seminars, workshops, and partnerships with the EU. The goal of EU's Civil Society Development Program (CSDP) has been to strengthen NGOs' public outreach in order to foster a civil dialogue centered on consolidation of democracy between the state and its citizens. The CSDP runs and supervises multifaceted and eclectic programs ranging from police professionalism to Greek-Turkish civic dialogue. In June 2003, the European Initiative for Democracy and Human Rights held a competition for grant opportunities to fund micro-projects on politically sensitive issues such as torture, anti-discrimination, and democratic governance. Other EU-funded projects entailed providing educational materials on human rights for the youth and putting together a human rights-themed photography exhibit. These unprecedented ideas and projects defy stereotypical depictions of Turkish civil society as a weak sector that cannot function independently of the state's support.

These EU-financed programs have certainly made a significant difference in the sense that they reach out to various sectors of Turkish society and connect its citizens and nonbusiness actors to the EU. In areas relevant to this study, Turkey and the EU launched a joint year-long training program to disseminate the Council of Europe's human rights norms among police and the *Jandarma* as well as their trainers. This program consisted of curriculum development, translation of EU human rights documents, evaluation of revised curricula, and training in police and *Jandarma* schools. Furthermore, the EU-assisted programs on human rights training have focused on training judges and prosecutors who had to comply with justice and rule of law mandates

of the EU in 2002 and 2003 as a way of combating human rights violations.<sup>43</sup>

Professionalization and human rights training of the TNP are part of the EU projects connected with the area of “Justice, Freedom, and Security.” In the aftermath of the 1999 Helsinki summit, the Turkish police executed the simultaneous EU projects that were designed to professionalize the force. The European Community delegation worked closely with the Ministry of Interior to launch the necessary framework for institutional and human rights reform to promote professionalism, accountability, and transparency. Meanwhile, the EC delegation collaborated with the United Nations Development Program (UNDP) on capacity-building projects to set up the basis for civilian oversight of the police.

The EU-led projects are listed below:<sup>44</sup>

- Civilian oversight of the internal security sector
- Ethics for the prevention of corruption
- An independent police complaint commission and complaints system for the TNP and gendarmerie
- Enhancement of the professionalism of the Turkish gendarmerie in its law enforcement activities
- Strengthening the accountability, efficiency, and effectiveness of the TNP
- Improvement of statement-taking methods and statement-taking rooms
- Strengthening of police forensic capacity

The EU Commission on Human Rights Reports’ critiques and recommendations prompted the Ministry of Interior to conduct its own independent review of the TNP and the *Jandarma*. Thus, the ministry commissioned the UNDP to undertake a thorough and independent review of the democratic oversight of policing in Turkey in 2005. Since the Turkish leadership viewed the EU’s perspectives and feedback as politicized and biased, it welcomed the UNDP’s technical expertise and objective recommendations.

In spite of agreement with the independent review's findings, the ministry's higher echelon was reluctant to implement most of UNDP's recommended reforms because of their politically sensitive nature that clashed with the bureaucratic elite's ideologies. Instead, the ministry aimed at adopting less controversial and "cosmetic" bureaucratic changes.

A fundamentally crucial area where the UNDP review made an impact dealt with the provincial governors' power in Turkey. After internal roundtables and UNDP-led discussions, the ministry realized that the governors' decision-making capacity was "very shallow," hindering them from responding to security threats locally or even in urban crime scenes. Consequently, the ministry decided to collaborate with the local and provincial assemblies and address their security-related concerns. This initiative would give more decision-making power to the local and provincial governors. The UNDP has committed to stay involved in this project by providing technical assistance.<sup>45</sup>

Have these programs made a difference on the progress of reforms and the future of democracy in Turkey? Certainly, they have. Previously, it was inconceivable to speak of reforming laws that hinged closely on Turkey's sovereignty and national security. The emergence of an active, pro-EU bloc on the eve of the Helsinki summit signals the importance of EU accession for Turkey's future and its position in the world.

When interviewing civil society actors, I asked the interviewees how the police has changed and the problems that the police still need to address. In response, 32 out of 40 interviewees concurred that the police had adopted and implemented the EU's democratic policing standards quickly; therefore, the foundations of democratic policing have been established, thereby improving the overall performance of the Turkish police compared to the past.

However, 34 respondents pointed out that police culture needs to change in more profound ways, while acknowledging that this process takes time. They described the Turkish police as

“nationalist,” “authoritarian,” and “Islamist.” While the new generation of police is more professional and well-trained than the old generation, the reputation of the police in general continues to be marred by past abuse, corruption, and ideological infighting. Memories of the police’s unethical conduct in public scandals such as the Simdinli<sup>46</sup> and Susurluk<sup>47</sup> incidents still lingered.

Zuhtu Arslan, a well-known constitutional law expert and professor at the Police Academy, believes that the legal and constitutional aspects of reforms have influenced the police greatly. For example, the detention period of suspects in police custody has been reduced from fourteen days to a maximum of four days. Meanwhile, he has seen a remarkable change in the police’s attitude and overall occupational behavior.

Although police reform had been an ongoing program behind the scenes, it did not capture the national spotlight until the November 2002 elections that ushered in the pro-EU AKP into office. A national optimism and an overwhelming desire for transforming Turkey’s political and legal infrastructure led the voters to demand massive reforms. However, the implementation of legal and human rights reforms would not have been possible without the solid commitment of the AKP government, politicians, lawyers, policymakers, civil society, and the military. After all, the professionalization of the police has occurred slowly under the watchful eye of the military with its long history of continued Western-oriented and modernizing reforms.

At the same time, Turkish commitment to combating human rights violations dates back to 1989 when it signed the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Therefore, Turkey recognizes the authority of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the convention’s monitoring body. By 2001, the Ministry of Justice and the Ministry of Interior had issued official orders and adopted a “zero tolerance policy” against torture and ill-treatment, which reflects the Turkish government’s commitment to

the EU political criteria. According to CPT's protocols, EU delegations have full access to detention centers and the right to enter any center without restrictions. The Turkish police and government have not only cooperated with the CPT, but also have exercised transparency by making CPT's reports on Turkey's status available on CPT's website. Turkish progress on a zero tolerance policy was significant and CPT's president recognized its success in her statement at the meeting of the Committee of Ministers' Deputies at the Council of Europe in October 2004. She praised Turkey: "The legislative and regulatory framework necessary to combat effectively torture and other forms of treatment... has been put in place—to be frank, it would be difficult to find a Council of Europe member state with a more advanced set of provisions in the area."<sup>48</sup>

The success or failure of harmonizing Turkish laws with EU demands has depended on overcoming another obstacle—convincing the nationalist and republican political parties and forging consensus with them. For instance, Article 301, which defends "Turkishness" and laws that address national security matters (i.e., antiterrorism), remains the same. The ongoing contentious debates among parliamentarians and constitutional law experts illustrate Turkey's reluctance in relinquishing further sovereignty to the EU. Like the United States and Britain, Turkey has struggled to introduce counterterrorism laws that conform to EU human rights standards in the aftermath of the September 11 attacks. In September 2005, when the Turkish parliament debated the new antiterror draft along with the new penal code that was made into law shortly thereafter, many NGOs and legal associations criticized the government for not sharing the details of the debate with the public. With the media's assistance, the opposition succeeded in bringing parliamentary deliberations to a halt because the antiterror draft did not adhere to the EU human rights framework.<sup>49</sup> As a result, the implementation of reforms has been uneven, with more success in the area of ending torture and inhumane treatment as opposed to the above-mentioned constitutional issues.

## Assessment of Turkey's Progress in Comparison to Bulgaria and Romania

In spite of significant achievements to satisfy the EU's democratic standards, skeptics have voiced their doubts in various European capitals outside of Brussels. Yet Turkey has remained committed to working with the EU in spite of the sluggish pace of reforms at home and the opposition abroad. Similarly, the accession of Central and Eastern European countries has evoked negative sentiments in Western Europe as well. The growing body of literature on the accession process of the Central and Eastern European Countries (CEEC) focused on conditionality as the only means through which a candidate country can achieve the ultimate goal of membership. The EU closely monitors candidate countries' progression toward the adoption of various rules to which all EU member states adhere. This highly institutional and structural pattern of monitoring highlights the significance of conditionality and gives it explanatory value. Yet the logic behind conditionality remains vague and underexplored. Moreover, some candidate countries adopt EU rules more quickly than others and some candidate countries address certain areas of reform more effectively than others. These are the puzzles I have explored and for which I have aimed to provide plausible explanations.

Heather Grabbe, a prominent EU scholar, has pointed out the relationship between conditionality and the transformation of candidate countries, specifically with respect to Bulgaria and Romania.<sup>50</sup> She reveals the mechanism behind conditionality and the uneven characteristic of the relationship between the candidate country and the EU, stressing how, ultimately, accession happens only when member states are actually prepared for it. Since her focus was on how the EU applies conditionality to candidate countries and the insurmountable obstacles that the candidate countries had to overcome, she suggested that accession could take a long time and predicted that Bulgaria and Romania would not accede to the EU any time soon. However, both countries

joined the EU in May 2004. This underlines the importance of examining how candidate countries such as Turkey perceive and deal with conditionality and what other factors expedite or delay implementation of reforms.<sup>51</sup>

## Bulgaria

In the aftermath of its transition to democracy in 1989, the democratically elected Bulgarian government embarked on the implementation of EU-fostered programs to address organized crime and initiate community policing—two issues that concerned the EU primarily. An independent review of police conduct in Bulgaria indicates that the government overlooked the authoritarian and corrupt culture of the communist era police; moreover, the process of police reform was not transparent and inclusive for outside experts and critics to participate.

Furthermore, critics viewed the EU's narrow emphasis on combating transnational crime and controlling the borders as the biggest hurdle to the success of police reform in Bulgaria. They charged that cosmetic changes such as implementing community policing programs do not work in the long run unless the candidate government is committed to combating corruption through legislation, punishment, and training. Therefore, the outside experts recommended that the government should address fundamental problems of the police so that both the police and the society they represent would establish a relationship of trust. Implementing community policing is only one method of achieving this goal, and its success depends on a sophisticated training program for the police that would transform the officers into service-oriented public servants. The next logical recommendation entailed launching a successful public relations campaign to reach out and educate the public, thereby establishing confidence and trust in the force.

As Bulgaria prepared for accession in 2006, the EU warned that its judiciary had not been reformed properly, judging it unable “to

reinforce its transparency, efficiency, and impartiality.” In addition, the Bulgarian government’s legislation pertaining to combating corruption had not translated into tangible results, so the EU urged for a series of immediate and consistent reform efforts across all government agencies.<sup>52</sup> Yet the EC allowed Bulgaria to join the union in spite of lack of compliance. Not surprisingly, the EU’s 2009 progress report suggests that the same concerns persist. Bulgaria proved that it had not appointed a capable and independent judiciary committed to take action against corruption charges and organized crimes.<sup>53</sup>

Above all, critics discouraged internal reformers from importing foreign models of police reform without adjusting them to local conditions and organizational structures. They suggested that the EU should work with each candidate country to create a model feasible for that society specifically.<sup>54</sup> Moreover, the EU should collaborate with the candidate country to launch training programs regularly, particularly in the case of a country such as Turkey that has been knocking on Europe’s door for decades. The EU should fund and support regular training programs, especially since the Turkish legal system is still going through a series of necessary judicial and legal reforms. This requires police officers to learn and execute the new legislation quickly. Successful police reform requires reasonable and long-term planning at the international donor level.

## Romania

The Romanian police force bears resemblance to the Turkish police in the sense that it has been a centralized force historically. From the outset, the EU pressured Romania to decentralize and demilitarize its police force. Policymakers and government bureaucrats remained defiant in the face of growing EU demands; therefore, the Romanian police did not demilitarize until August 2002.<sup>55</sup> This should not come as a surprise because the Romanian government had devoted time and resources to another priority,

combating organized crime and controlling the borders. Likewise, its gendarmerie gained an excellent reputation in Europe to the extent that its services were requested for peacekeeping operations in Kosovo.<sup>56</sup>

In contrast to Turkey, the Romanian and the Bulgarian police reforms did not begin in earnest until the EU signaled its enthusiasm for accession in the early 1990s; therefore, the EU and NATO seem to have served as the only anchors for reforms. Initially, there was opposition within the police against the reforms in Romania. The same holds true for Bulgaria and Turkey.

Similar to Turkey, the Romanian police force is responsible to the Minister of Interior. Law enforcement is divided into three separate units: the National Service for Combating Organized Crime (NSCOC), the National Border Police Service (NBPS), and the National Gendarme Service (NGS). From the EU's perspective, addressing police violations of human rights remained a top priority before accession negotiations. In compliance with the EU demands, the Romanian police went through a series of human rights training courses. Yet three years after accession, police treatment of the Roma minority remains deplorable. As for Bulgaria, in its 2004 Report, the European Commission warned that cases of ill-treatment in police stations, prisons, and psychiatric hospitals still occur.<sup>57</sup>

In Romania, although the government founded an accountability structure, its effectiveness remains elusive. Compliance with the EU criteria is not due to self-restraint, but out of fear of legal and administration sanctions. Still, the police officers do not consider themselves as service-oriented professionals. Instead, they perform occupational duties because of hierarchical obedience. Overall, senior officials are more service-oriented than junior officers. Incompetent management and insufficient legal training of police officers have led to their inconsistent application of legal and judicial procedures.

Meanwhile, taxpayers have pressured the government to reform the police into a service-oriented force. In this case, lack of

good governance has translated into the absence of parliamentary oversight of the police, where the legislative branch has primarily focused on adopting EU laws, and only implementing a limited number of EU reforms in practice. Therefore, administrative and police reform took a backseat to legislation. An overemphasis on the legislative branch has come at the detriment of the judiciary to the extent that even law enforcement officials do not have full knowledge of legal procedures. Prior to accession, the clientalist promotion of police chiefs and Ministry of Interior officials persisted. Such cultural barriers and budget deficiencies serve as constant obstacles to implementation of reforms; therefore, “zero tolerance” for torture and mistreatment of detainees did not go far. Similarly, the Romanian government allocated the majority of its funds toward providing law and order as politicians became aware of voters’ growing concerns about property theft, specifically car theft.

In comparison with Bulgaria and Romania, Turkey has demonstrated a stronger commitment to the eradication of torture and ill-treatment. While cases are still reported to the European Court of Human Rights, the legal framework is strong and in line with EU standards. In regard to civilian oversight of the armed forces, Turkey should assert civilian control over its *Jandarma* and work toward establishing a more robust framework for parliamentary oversight of the armed forces. A promising sign for Turkey is the downward trend in incidents of torture and ill-treatment according to the EU progress reports, in contrast to Bulgaria and Romania.<sup>58</sup> Unlike Turkey, Hungary and Slovenia have not implemented community policing programs and approaches; however, feasibility studies are under way. Turkey’s implementation of community policing programs has progressed slowly in spite of its rich history of community policing practices.<sup>59</sup>

A brief overview of the European Court of Human Rights’ violations by article and by country, spanning the past 50 years, is presented in Table 3.2.

**Table 3.2** Torture and ill-treatment cases in Bulgaria, Romania, and Turkey (1950–2009)

	<b>Torture and ill-treatment cases</b>	<b>Judgments finding at least one violation</b>	<b>Judgments finding no violation</b>
Turkey	199	2,017	46
Bulgaria	46	274	9
Romania	27	584	18

Source: “European Court of Human Rights Country Statistics (2009),” <http://www.echr.coe.int/NR/rdonlyres/B21D260B-3559-4FB2-A629-881C66DC3B2F/0/CountryStatistics01012009.pdf> (accessed September 6, 2011).

**Table 3.3** Turkish cases of torture and inhuman treatment (1999–2009)

<b>Turkey</b>	<b>1999</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Torture and inhuman treatment				9	15	27	27	31	33	30
Total number of HR cases	19*	169	54	76	54	270	312	319	257	356
Nonviolation Judgments		2	2	0	3	9	6	0	0	0

Notes: \*Total number of ECHR judgments of at least one human rights violation. The first column indicates the number of torture cases in addition to inhuman treatment cases out of the total number of HR cases. The 1999 and 2001 figures indicate the number of judgments on all human rights cases including torture and inhuman treatment cases.

Source: “European Court of Human Rights’ Violation by Article and by Country (1959–2010),” [http://www.echr.coe.int/NR/rdonlyres/2B783BFF-39C9-455C-B7C7-F821056BF32A/0/Tableau\\_de\\_violations\\_19592010\\_ENG.pdf](http://www.echr.coe.int/NR/rdonlyres/2B783BFF-39C9-455C-B7C7-F821056BF32A/0/Tableau_de_violations_19592010_ENG.pdf) (accessed September 6, 2011).

Table 3.3 provides details of the ECHR’s record on Turkey.

Formulating a judgment solely based on the above data, Turkey’s violations of human rights are higher than Bulgaria’s and Romania’s. However, further investigation of qualitative data reveals a startling reality: All three countries experienced similar problems and obstacles at the time of the adoption of EU criteria, and they took the same EU-fostered measures to implement police reform in the 1990s. Yet the EU has not allowed Turkey into the union.

## Key Findings and Conclusions

In comparison to Bulgaria and Romania, Turkey has shown the greatest level of commitment to fulfilling the EU's democratic criteria. Since the early 1980s, the Ozal administration had begun police reform to combat terrorism and the Kurdish insurgency that endured until the end of the 1990s. As discussed in chapter 1, the military's disengagement from politics and its tolerance of expansion of police functions allowed the Ozal government to launch internal reforms in spite of its severed ties with the EU. With the arrest of PKK leader Abdullah Ocalan and the end of the Kurdish insurgency, Turkey began to embrace the EU accession process; therefore, "timing is the main operational variable for the effectiveness" of the EU's influence on Turkey in the post-1999 Helsinki era. From 2002 to 2004, politicians of different stripes remained united in support of a pro-EU reforms mandate to increase Turkey's chance of achieving an accession negotiation date. From 2004 to 2008, the stalemate in the Cyprus problem blended with dubious commitments from the EU helped to decelerate the speed of democratic reforms. In turn, the EU began to question Turkey's commitment to democracy and human rights reforms, claiming that its domestic and foreign policies had regressed to old habits.<sup>60</sup> In turn, Turkish policymakers and government officials became suspicious of the EU's intentions since its attention had shifted from fulfilling the formal Copenhagen criteria to informal issues that the *acquis* does not include such as the Armenian issue and the Cyprus problem.

Based on my field research, I found that the legitimacy of conditions mattered greatly to the majority of officers and academics in Turkey. Although several respondents stated that policing had become more difficult and cumbersome in practice because of the complexity of the EU human rights criteria, none of them questioned the legitimacy of the EU process and its incentives. During the second round of field research in 2008, I encountered a bit of skepticism and anti-EU sentiments from opposition

political party members and workers. In contrast, the AKP party workers expressed optimism toward the EU accession process, while blaming domestic factors such as the constitutional court case against the AKP for temporary deceleration of reforms.

Similarly, the Bulgarian case supports my point that the legitimacy of conditions mattered for the EU conditions to have an effect. Evidently, the police have not made substantial reforms because domestic policymakers questioned the legitimacy of the EU conditions and critics discouraged foreign models since they were not adjusted to local conditions. In Romania, however, the legitimacy of EU conditions did not matter since the government remained preoccupied with legislative reforms to the extent that implementing police reform took a backseat since the parliament took charge of implementing EU conditions as opposed to the police. In other words, the police did not play an active role in its own reform process.

Hence, international and societal factors influence the process of police reforms positively. The respondents to my questionnaire were acutely aware of the public scrutiny and showed noticeable sensitivity to the Turkish media's treatment of police conduct. In their view, the legal and constitutional reforms had been implemented successfully and quickly. Police officers expressed their lack of awareness of the role of Turkish civil society and human rights activists in this process.<sup>61</sup> Only Police Academy professors and their counterparts in academic circles and think tanks appreciated the role of TESEV and UNDP in the adoption of civilian oversight of armed forces. This factor signals that the debate is in a nascent stage and its fruition depends on the political willingness of the Turkish elite to challenge the Turkish state's sovereignty further.

Moreover, police officers seemed preoccupied with their image in the media because it is a powerful engine that can elevate or tarnish their public image through commentaries and footage. Clearly, the police have come into more contact with the media and the Turkish public as opposed to the civil society sector. Other significant societal factors marking the influence of reforms on

the police are the end of the 16-year-long insurgency with the Kurds, public pressure for democratization, and globalization.

Yet I interpret this to mean that the EU is a central figure in the Turkish reform process. The timing of the reforms as well as their content testifies to the power of the EU as a “trigger” for reforms. Again, the fact that many reforms, particularly constitutional reforms that in the mid-1990s were viewed as dangerous and imprudent, have been implemented in such a short span of time shows that a substantial shift has occurred in the calculation of Turkish decision-makers.

Kubicek’s point that a civil society–led grassroots movement geared toward democratization independent of the EU does not exist in Turkey is valid. However, the pro-EU dynamic has bolstered the mandate of civil society organizations such as TESEV whose agenda has gained momentum since 1999. Meanwhile, the EU should also keep its end of the bargain and work with the nascent pro-reform Turkish civil society that has just acquired the expertise and confidence to play a constructive role in Turkey-EU dialogues. Unfortunately, the EU does not speak in one voice. Lack of consensus on Turkish membership among EU member states had led to reactions that Turks have interpreted as biased and perplexing. For example, France and Austria, which had both proposed a referendum on a Turkish membership, putting another obstacle in the way of Turkey’s path to Europe and treating that country differently than the Central and Eastern European states in the 2004 enlargement.<sup>62</sup>

Overall, critics of Turkish accession to the EU who point a finger at the slow pace of the reforms should take note that the EU is grappling with its own “democratic deficit.” This term reflects the growing concern that decision making and accountability have shifted away from the governments, and especially the legislatures, of the member states, over to the EU. Consequently, the popularly elected European parliament’s voice has been compromised. Decisions on a broad range of policies that influence the daily lives of ordinary citizens of the member states are increasingly being

made by the largely unaccountable EC and council of ministers on a supranational level.<sup>63</sup>

Moreover, the EU conditions as set in the Copenhagen criteria are broad and open to considerable interpretation; elaboration of what entails meeting them has consistently widened the detailed criteria for membership, making the union a moving target for applicants. The conditions are not fixed and definite, and new conditions have been added and old ones redefined at the biannual summits of EU leaders. In addition, the benefits do not come in stages, but only at the end. As the arbiter of what entails fulfilling the requirements and when the benefit will be granted, the EU changes the rules of the game. This “moving target problem” transfers considerable power to the EU during the negotiation of accession at the expense of the candidate country that will in turn question the legitimacy of EU conditions.<sup>64</sup>

Public pressure for democratization combined with the security gap during the transition from authoritarian to democratic rule provided sufficient impetus for police reform in Bulgaria and Romania, but the EU accession remained the most significant driver. Yet since both countries devoted the majority of their resources to the EU’s security concerns including combating transnational crimes and preventing illegal immigration, police reform was never their priority from the start.

Implementation of reforms within a government-owned and state-run bureaucracy such as the TNP is feasible, but the future of Turkish–EU relations depends on other factors such as the Cyprus problem and the resolution of the Kurdish question in Turkey. Indeed, an upsurge in PKK or other terrorist organizations’ incursions into Turkish territory has increased the probability of human rights violations. However, Turkey’s security problems differ from its European neighbors. Resolving the Cyprus problem has been politically costly for the AKP government. On the other hand, increased professionalization of the TNP is viable because it does not entail a huge cost to the Turkish government.

The next chapter will present an in-depth analysis of TNP reforms and its implications for Turkey–EU relations.

As long as the EU's incentive for membership does not contradict or threaten Turkey's national security, the possibility for state institutions to implement reforms successfully increases greatly. Regardless of Turkish compliance with the EU, the Ozal administration showed noteworthy commitment toward police reform. The military's disengagement from politics subsequent to restoration of civilian rule fostered its effective cooperation with the Ozal government, especially in areas of internal security including police reform. Here, I am not implying sudden change. Instead, the TNP's institutional separation from the military has occurred gradually since the Ottoman era through endogenous shifts in the Turkish domestic political landscape, which in turn paved the way for the TNP's internal reform later enhanced by the EU criteria. Overall, the TNP has accomplished a monumental task in revamping its image and performance from a police force whose reputation was marred by allegations of corruption and torture of detainees in the 1980s and 1990s to a modern police department close to the ruling party, thereby replacing the military in waging counterterrorism operations against the PKK.

## Chapter 4

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# Institutional, Legal, and Policy Changes

### Introduction

The previous chapter outlined the foundations of the police from the Ottoman Empire's reforms to the early 1980s, demonstrating the influence of continuous reform processes that in turn shaped the police from an elementary force dependent on the military to a professional and independent department positioned within the Ministry of Interior. In the early 1980s, endogenous factors paved the way for gradual displacement of the police from the military, denoting a clear yet subtle departure from the previous institutional reform option, institutional layering.

In this chapter, I will examine the institutional, legal, and policy changes in the aftermath of the 1980 military coup, particularly legal and institutional changes such as expansion of police powers and establishment of a paramilitary police force that emerged during the Ozal administration. Then, I will examine Turkey's ongoing struggle with constitutional reform as it pertains to individual freedom and liberties, highlighting the points of contention between the EU and Turkey. Since many observers and experts blame the 1982 Constitution for Turkey's failure to achieve democratic consolidation, I will focus on the process of constitution making in

that period followed by frequent, internally driven reform packages that were bolstered by the EU process after 1999 and examine the waves of reforms prior to and after the EU's commencement of accession talks with Turkey in 2004. Undoubtedly, these institutional, legal, and policy reforms have resulted in mixed outcomes. Therefore, the third part of this chapter explores the status of fundamental rights and liberties, cultural rights for the Kurds, the rule of law, civil-military relations, and judicial reforms.

## The Making or Remaking of the Turkish Constitution

As Ergun Ozbudun, one of the leading experts on constitutional law, has stated eloquently, none of the Turkish constitutions, namely, those of 1924, 1961, and 1982, were drafted on the basis of democratic deliberation and multiparty compromise. In the beginning of the Republic, Ataturk's RPP represented the single dominant party; therefore, the ruling party with most seats in the parliament wrote the 1924 Constitution. This constitution was democratic in the sense that it did not contain any authoritarian guarantees for the RPP; however, it provided the legal grounds for the regime to remain authoritarian with one dominant party in power since it set no system of checks and balances against the tremendous power of parliamentary majorities.

In contrast, military generals who had carried out the coups drafted the 1961 and 1982 constitutions. The National Unity Committee in 1960 and the NSC in 1980 played a significant role in drafting the constitutions of 1961 and 1982. In both cases, the military served as a chamber of the bicameral general assemblies. The post-coup ruling elite acted in an exclusionary manner in the sense that the civilian wing of the House of Representatives in 1960–1961 and the Consultative Assembly of 1981–1983 were not based on free popular elections. The former was founded on an authoritarian system that excluded the supporters of the overthrown Democratic Party; the latter consisted of 160 members

who were appointed by the ruling NSC. In brief, the military elite excluded the civilian elite from the legislation process. Since the 1982 Constitution remains relevant and germane to any scholarly debate on policing, human rights, and democratization, I will use it as a historical point of departure and the basis of subsequent reforms that have shaped the Turkish political landscape until the present.

In the aftermath of the 1980 military coup, the NSC, which ruled the country for three years, drafted an authoritarian constitution that not only restricted the fundamental rights and liberties of Turkish citizens, but also reinforced the military's role as the nation's guardian and Turkey's strong state tradition. The military rulers of this era criticized the 1961 Constitution's democratic laws as "excessively liberal," which, in their view, had contributed to the chaos and lawlessness in the late 1970s. Therefore, they justified the formulation of an authoritarian constitution favoring a strong state authority at the expense of citizens' rights.<sup>1</sup>

Since the ratification of the 1982 Constitution, it has faced a barrage of criticism and vocal opposition from civil society, academics, and labor groups. It was amended 17 times from 1987 to 2010. Many recent changes took place as part of the EU accession process including, but not limited to, the most recent reforms that were initiated by the AKP government and included many significant and far-reaching reforms to the judiciary and fundamental rights and liberties. Still the contentious debate for a new constitution that would replace the 1982 constitution persists.<sup>2</sup>

## The Expansion of Police Powers

Although Turkey was restored to civilian rule in the fall of 1983, President Turgut Ozal followed the military generals' footsteps politically while implementing neoliberal policies coupled with adherence to IMF's structural adjustment programs. Turkey's previous trade policy, the import substitution program, was changed to a neoliberal economic policy, focused on increasing Turkey's

exports, which meant production costs, including workers' salaries, had to be kept to a minimum.

Since the 1982 Constitution put limits and barriers on labor, thereby limiting their bargaining power, there was an urgent need for a recently strengthened police to restrain any type of opposition. The structural adjustment policies led to skyrocketing public debt and high inflation rate; therefore, the poverty rate increased significantly. In sum, the financial liberalization of the 1980s paved the way for economic crises in 1994, 2000, and 2001. The widening gap between the rich and the poor remains the most striking characteristic of this period since it became clear that certain groups such as resistant labor unions, leftist groups, and lower classes who participated in the informal economy in addition to ethnic minorities such as the politically active Kurds and Alevis were left out of the benefits of the neoliberal economic policies. As a result of the 1980 coup and the Kurdish insurgency, the leftist groups who had not realized their dreams and the Kurds were categorized and treated as internal enemies with connection to foreign sources.<sup>3</sup>

Therefore, Ozal boosted police's powers, increased the organization's budget significantly, and allowed for the adoption of a militarized style of policing. These institutional changes that were later supported as a result of the enactment of the Anti-Terrorism Laws (ATL) provided the necessary means for the TNP's transformation to a militarized police force, equipped with the latest arms, equipment, and technology to carry out policing duties after the possible termination of the martial law when the military had to evacuate these areas legally.

Moreover, Ozal's government extended funding to TNP's budget for the next ten years.<sup>4</sup> However, the most crucial part of this transformative process was the creation of paramilitary police teams as endorsed in Law 2696 passed by the NSC on August 11, 1982. According to this law, the Society Police, a police force originally established in 1965 to restrain workers' mobilization and student demonstrations, was replaced by Rapid Action Units (RAUs). These units were equipped with the latest weapons and

received military training. Similar to the Society Police, their duties consisted of patrolling legally sanctioned demonstrations and restraining illegal movements in the streets.<sup>5</sup>

During this period, the RAUs were deployed to restrain and suppress demonstrations where ethnic minorities such as the Kurds and leftist groups expressed their grievances. Two prominent examples include the demonstrations on May 1 (International Labor Day) and during the annual Nowroz celebrations in March. These units, which were mostly centered in big cities, clashed frequently with Kurdish and Roma minorities who had faced forced migration and displacement. The RAUs often raided and destroyed the shantytowns where these impoverished and marginalized social groups lived, claiming that drug-related crimes and gang violence flourished in these areas.

In addition to the RAUs, Korkut Eken, a former deputy commander of the Special Warfare Department, which was originally positioned in the GDS, founded another paramilitary unit, the Special Operation teams. He ensured that the teams were equipped with the most modern weapons and learned American-style warfare tactics. In 1987, these teams became associated with the Terrorism and Operations Department. Later, in 1993, they were separated and reorganized as part of the Special Operations Department.<sup>6</sup> The decision to establish this paramilitary force received full support from the Nationalist Movement Party and Hearths of the Ideal circles that received state funds and support to ward off the Kurdish insurgents, particularly the PKK guerrillas. Clearly, their mandate and jurisdiction overlapped with the military's in the east and southeast regions well into mid-1990s.

In 1995, however, the Ministry of Interior moved the teams to the western parts of Turkey because of their staging an illegal demonstration and the ill-treatment of the local population.<sup>7</sup> In their new jurisdiction, the teams operated with the RAUs to raid houses in shantytowns on theft and drug-related charges within the police area boundaries.<sup>8</sup>

Amending the PVSK Law 3222 still presents a significant legal change that provided the police with extensive powers beyond the

termination of martial law. Specifically, the police was granted permission to conduct surveillance on civil society groups including voluntary associations, interfere in areas where warrants were required previously, apprehend a suspect before a verdict had been reached, arrest and detain individuals based on arbitrary suspicions, carry out policing duties outside of their previous jurisdiction, use physical force against suspects in proportion to their resistance, and appoint special teams including headquarters personnel not registered within the police area boundaries.<sup>9</sup>

Unfortunately, the expansion of police powers continued for the next six years with the elimination of several articles of the Turkish Penal Code that were replaced by the ATL. Drafted within a framework that lends priority to national security, it denies fundamental individual rights to citizens. It is based on a broad and vague definition of terrorism; if and when applied, any citizen may be labeled a terrorist.

As a result of public outcry, these laws have been amended many times toward democratization. For example, alternative custody periods were eliminated in amendments to the Criminal Procedure Law. In 1999, the Constitutional Court eliminated the article granting power to shoot randomly at suspects. In 2003, the law that limited the freedom of expression and assembly was abolished. However, amendments made after 2006 reversed all the positive legal steps toward democratization.<sup>10</sup>

In the 1990s, Turkey faced a series of economic crises that resulted in widening the gap between the rich and the poor. Therefore, the rate of crime increased and the media scrutiny led to the police's adoption of a new model of policing, namely, community policing. Adopted from Britain and the United States, the TNP's executive management introduced new models of policing. Ozal had already designated a generous portion of the national budget for the TNP. Consequently, the TNP executive managers decided to send many police officers to the United States and United Kingdom for further education and training. Upon their return, the officers were required to present their knowledge of new models of policing

and organizational management that they had learned from their American and British counterparts.

Evidently, the American and British models of policing, particularly community policing and intelligence-led policing, served as applicable and relevant tools for the Turkish police, specially in the areas of counterterrorism, counterinsurgency, and crowd control. As far as techniques were concerned, the TNP adopted paramilitary policing tactics and trained SWAT teams to control and repress the state's internal enemies. The antiriot police's equipment and policing style were influenced greatly by American crowd-control techniques deployed against students, leftists, and civil rights protestors throughout the 1960s. Throughout my interviews and observations, many admiring references were made to the New York Police Department's policing style and Scotland Yard's innovative policing and intelligence-gathering techniques.

The introduction of community policing initiatives coincided with the rise in petty crimes including theft in the mid-1990s. Therefore, the police began to devise a crime-fighting program based on community policing that required citizens' participation for the police to achieve effectiveness and productivity—two recent features of the rational, market-oriented approach to policing and police department management. In order to improve its management style, the TNP tried to build close links with citizens and rely on their assistance to solve crimes. As part of the TNP's modernization project, the police used these personal relationships to gather information that were recorded in a central computer database.

In 1993, the TNP started a community policing strategy through motorcycle police teams who distributed pamphlets containing tips on enhancing citizens' security, thereby treating citizens as customers who should be responsible for risk assessment and cooperation with police to solve crimes efficiently. The members of these motorcycle police teams resembled the average public in appearance and treated citizens in a friendly manner. Perhaps, it can be argued that while the police became more

service oriented on the one hand, they got closer to the community, on the other, viewing them as citizen informants to collect crucial information. Meanwhile, the GDS erected billboards in major cities and distributed booklets and CDs to prove to citizens its readiness to assist.

After the September 11 attacks and the Istanbul bombing, the TNP began to utilize intelligence-led policing tools for surveillance of the public sphere. Clearly, it emulated similar state initiatives in cosmopolitan European capitals such as London where electronic cameras were installed in busy thoroughfares to monitor citizens' conduct and gather information regularly.

The tense political climate of the post-1980 coup provided ample reason for the police to check and collect data on citizens. This approach bolstered the state's coercive means and application of force against citizens who resisted the police. Therefore, in order to avoid impunity, it was in the best interest of citizens to follow the official definition of citizen as "informant," "obedient," and "prudent."<sup>11</sup>

## ATOD and ATL

The Turkish military and law enforcement elite viewed leftist, Islamist, and Kurdish separatism as major threats to state sovereignty; therefore, they set up the Anti-Terrorism and Operation Department (ATOD) that was primarily used to counter the PKK threat and contain the Kurdish separatists.

In the mid-1990s, while human rights activists and journalists reported incidents of torture and mistreatment of suspects, particularly in southeastern part of Turkey, the Directorate of General Security launched a new organization, the Psychological Operation Branch Directorate, in 1994. The aim of this organization was to boost the state's counterterrorism measures by disseminating nationalist propaganda. This significant development promoted police powers and allowed the force to promote the nationalist political discourse of the 1990s further.<sup>12</sup>

Simultaneously, the government encouraged ATOD's mission by passing and enacting the oppressive ATL. According to this law, the definition of terrorism was very broad, encompassing crimes such as counterfeiting of official documents and cautioning citizens against not fulfilling their military service. With regard to terrorist actions, this law covered not only committing terrorist crimes, but also the intention to commit a crime of that nature; therefore, the police gained the power to target and eavesdrop on segments of population that it viewed as enemies of the state. Moreover, the ATL has led to the police's indiscriminate use of firearms against insubordinate suspects. Although the Constitutional Court abolished this section of ATL in 1999, it was reenacted as law in 2006.<sup>13</sup> Unfortunately, both military and the police oppose the reform of ATL because EU human rights regulations make investigation and evidence collection difficult and time consuming, particularly since Turkey is still involved actively in a counterinsurgency against the PKK. Moreover, there is a general consensus that the Turkish security sector should emulate and follow the example of the United States and United Kingdom that enacted restrictive counterterrorism laws in the aftermath of the September 11 attacks and the 2005 London bombing.

In the EU's perspective, the Turkish police's arbitrary use of force against suspects and detainees, particularly in Kurdish populated areas, had to be addressed swiftly. Therefore, in January 2002, the Council of Europe's Parliamentary Assembly passed a new resolution that required Turkey to comply with the decisions of the European Court of Human Rights. Resolution 1268 outlined the assembly's demand that "considering the high number of decisions against Turkey that have not been implemented, the Assembly instructs its Committee on Legal Affairs and Human Rights to confer with the national delegation of Turkey and with the Turkish government and to report to the Assembly, by June 2002 at the latest on the progress made. The Assembly envisages inviting the Turkish Minister for Justice to the June part-session to confer on this matter." In response, Turkey made a conciliatory statement, pulling military and police forces from the areas under emergency rule.

In practice, Turkey began to comply with the Copenhagen criteria through legal reforms. The notorious seven harmonization packages that affected a considerable number of laws in different areas, including amending the ATL and the Turkish Penal Code, helped that country gain an accession date to the EU in 2004.<sup>14</sup>

Yet Turkey had to prove that it could implement the Copenhagen criteria further in order to be considered for membership. Clearly, one of the most contentious and crucial areas of reform was that of ATL No. 3713, which had initially become effective in 1991. In July 2003, Turkey started the process of constitutional reform, particularly of the penal code, in compliance with the EU accession criteria. Although the constitutional reform had begun in 2001 and sweeping changes were made, Article 8 of this law has remained unchanged despite being passed by the parliament.<sup>15</sup>

Instead, one of the most significant changes was made to Article 1, which defined a terrorist organization as one that uses force and violence to achieve its goals. This amendment sought to promote the freedom of speech and expression to the extent that no immediate and serious threat was made to public order. Later, in line with the above-mentioned logic, the expression “propaganda against the indivisibility of the state” was eliminated from Article 8 of the ATL. As an alternative, propaganda was defined as provoking violence which the policymakers and experts agreed to recognize as a crime.<sup>16</sup>

However, other types of actions involving force and violence that were formerly located within the scope of terrorist crimes were not amended and reformed. For example, articles pertaining to public order contained in the Turkish Penal Code, specifically articles 213, 214, 215, 216, 217, and 220, were exploited to punish freedom of speech and expression, if law enforcement and judges interpreted the activity in question as inciting crime, praising crime and criminals, provoking chaos, and establishing organizations with criminal goals. These laws left plenty of room for judges to limit the freedom of expression, specifically articles 159 and 312 of the Penal Code and Article 8 of the ATL. Originally,

according to Article 159 of the Penal Code, “Those who publicly insult or deride the moral character of Turkishness, the Republic, and the Grand National Assembly, or the government, or the ministries, the military, or security forces of the State or the moral character of the judiciary shall be punished by between one and six years of severe imprisonment.”<sup>17</sup>

As for Article 312, the original text provided that “anyone who openly incites the public to hatred and enmity with regard to class, race, religion, religious sect or original differences shall be punished by between one and three years of imprisonment.”<sup>18</sup> Similarly, Article 8 of Law 3713 targets statements claimed to provide support to Kurdish separatism. The original text of the article states, “*Regardless of with whatever method, aim or purpose*, written or oral propaganda, together with meetings, demonstrations and marches which have the objective of destroying the indivisible integrity of the state of the Republic of Turkey, with its territory and nation, shall not be carried out.”<sup>19</sup>

In 1995, through efforts to reform the law, the words in italics in Article 8 were eliminated. Although the law was amended, supporting Kurdish separatism was considered illegal in addition to limiting freedom of expression, freedom of print and electronic media, and of political parties. These laws were used to limit democratic rights and liberties, specifically restricting the activities and thoughts of those who sympathized with the Kurdish separatist movement. Article 312, in contrast, was used to punish individuals who demanded cultural and political rights for Kurds, or advocated Islamist political ideas. Many journalists and reporters were prosecuted and imprisoned for violations of Article 8 of the ATL and Article 159 of the Penal Code.

Likewise, the political parties’ law was used to shut down parties that seemed to have supported Kurdish separatism or advocated illegal Islamist principles. Noteworthy examples include two pro-Kurdish parties, the People’s Labor Party (HEP), which was closed in 1993, and the Democracy Party (DP), which was dissolved the following year. The party that replaced DP, People’s Democracy Party (HADEP), was permitted to run in the 1995

and 1999 general elections, although it did not win any seats. Currently, it is in a closure suit.<sup>20</sup>

Regardless of the indigenous desire to reform the ATL, which later gained momentum through the EU driver, the reform process has resulted in limited success partly because of the sensitive nature of this topic because it hinges on Kemalist and authoritarian interpretations of statehood and national security.<sup>21</sup>

In 2005, in compliance with the EU Copenhagen criteria, legal experts and policymakers began the extensive and meticulous process of reforming the Turkish Penal Code and the ATL. Nongovernmental organizations (NGOs) such as Mazlum-Der criticized the government for neglecting to invite the NGO community to participate in this process. Mazlum-Der viewed the lack of transparency as stemming from the government's desire to draft and execute laws that favored national security at the expense of human rights and democracy, particularly because of the growing conflict between security forces and PKK guerillas in the east and southeast. The complex and intricate relationship between the civilian leaders and the military elite, a unique characteristic of Turkish political structure, has served as a significant hurdle in internal and EU-driven reforms alike. Nevertheless, the drafters of the new anti-terrorism measures were influenced by similar trends in the United States and Britain after the September 11 attacks.<sup>22</sup>

In the Turkish General Assembly, members of parliament debated the controversial bill intensely. The bill, prepared by the Department of Justice, consisted of many articles that expanded the authority of security forces, especially the intelligence organization. Many members of parliament opposed the bill since it allowed for labeling people who had no association with insurgents as terrorists; therefore, they suggested that the bill should be revised in compliance with the EU democratic criteria.<sup>23</sup>

One of the supporters of the bill was the National Intelligence Organization, historically linked to the military, which had argued that the concurrent reform of the Turkish Penal Code restricted its capacity to combat terrorism because it limited electronic

eavesdropping. Later, the news of a secret meeting between the prime minister, minister of interior, minister of defense, minister of justice, and minister of gendarmerie leaked to the press. The intelligence undersecretary presented a special draft to Prime Minister Erdogan, requesting that he permit the ministry to tap phones with the permission of the undersecretary in emergency situations. Whether or not the intelligence ministry obtained this permission is not known.<sup>24</sup>

Over time, the reputation of the Military Intelligence Organization (MIT) has improved in the area of transparency, but some of its officials were involved in scandals, which has tarnished its image. In the post-1980 coup era, the MIT used to eavesdrop on various politicians' phone conversations and filed reports about their activities, which influenced their political and bureaucratic appointments. Reportedly, the MIT eavesdropped on Ozal's daily conversations and activities, so he, in turn, installed electronic bugs in his residence to counter MIT's measure. In the 1990s, after the police's powers were expanded to combat the PKK threat, it began to tap citizens' phones. In fact, from 1985 to 1996, both the police and MIT kept surveillance on each other as well.<sup>25</sup>

In 2006, following the military and law enforcement's complaints about the newly reformed Penal Code, the government amended the ATL by introducing Law 5332. The most dramatic changes were made to articles 3 and 4, which defined acts of terrorism and clarified more than 20 types of acts that had constituted as terrorist acts previously. In contrast, the new amended law listed 60 types of acts as terrorist crimes. For example, document forgery, preventing the public from serving their military service, and showing resistance toward government officials were added to the amended law. In addition, the punishments for these crimes were augmented, which deviated from the principle of proportionality that designates punishments in proportion to harm and damage caused by crimes.

Moreover, Article 10 was amended so that a person's right to legal consul was limited. Defendants were allowed to hire only one lawyer, and the prosecutor and the judge would regulate the

extent of the defendant's right within 24 hours of custody. In turn, the lawyer's right to access the defendant's file became restricted. Government officials whose jobs involved counterterrorism measures, in comparison, were allowed to have three lawyers whose charges would be covered by the defendant's employing government agency.<sup>26</sup>

## Office of Special Operations

In 1983, the Presidency of Department of Public Order established the Special Operation Police Teams under a central Special Operations Branch Directorate in metropolitan areas such as Ankara, Istanbul, and Izmir to undertake unique missions that required special skills, enabling the teams to carry out undercover missions that involved breaking into terrorist cells, arresting terrorist operatives, and rescuing hostages.

As a result of the rise in terrorist incidents, the Special Operation Police Teams became accountable to the Anti-Terror and Operation Office where they remained until 1993 under the name of Special Operations Branch Directorate. This development was not mentioned in any official document.

In August 1993, a government decree announced the establishment of a Special Operations Police Academy to train future generations of Special Operation Police Teams. Under the jurisdiction of the director general, the details of the cadets' daily activities and future job assignments remained top secret. Currently, the Office of Special Operations' main branch is located in Istanbul, while the Branch Directorates of Special Operations are situated in 48 other cities.

The Office of Special Operations teams are recruited from the police officers who are currently employed with the Directorate General of Security and have the skills required for police duty combined with the physical prowess, psychological strength, and discipline necessary to go through extensive training. The required course of training lasts for three months throughout

which cadets learn to shoot using a variety of weapons, engage in heavy sports training, and practice rescuing hostages in closed spaces. In addition, the recruits are required to complete courses on Principles and Reforms of Atatürk, and human rights. Only the recruits who pass in all areas of the curriculum are selected to serve at a designated branch of Special Operations.

In the mid-1980s and 1990s, the Special Operations Teams played an active role against PKK terrorism. While they received accolades for their bravery, the media often criticized the teams for their ultranationalist leaning and behavior. Furthermore, the teams' reputation was marred as a result of the Susurluk incident on November 3, 1996, since one of the victims in the car accident was Huseyin Kocadag, a former Special Operations Teams member and director of security. Kocadag's presence on the scene served as proof of the government's links with the mafia. The media's coverage of the Susurluk investigation damaged the teams' reputation further. The report of this investigation revealed the influential yet hidden role of the "deep state" in Turkish politics. Moreover, the Office of Special Operations had been designated a privileged position, not based on legal premises, but for purely political reasons. For example, the report revealed an existing vacuum of Special Operations Team members in the eastern and southeastern parts of Turkey, which had the highest incidents of terrorism, and a subsequent rise in their presence in Western provinces, which had the lowest rate of terrorist incidents. This revelation indicates the Office of Special Operations' extraordinary power to go beyond its official mandate at the whim of senior management and police chiefs.<sup>27</sup>

## Constitutional and Legal Reforms

Generally, the changes to the 1982 Turkish constitution were designed to enhance the protection of civil and political rights, promote the rule of law, and restrict the military's intervention in civilian government's jurisdiction.

Therefore, a significant number of laws were changed with the same aim in mind. Specifically, I refer to the “harmonization laws” that were passed in seven separate packages in 2002 and 2003.<sup>28</sup>

The most transformative constitutional amendments concerning fundamental rights and liberties were enacted in 2001. These amendments improved personal security and freedom, individual privacy, freedom of maintaining domicile, freedom of communication, freedom of residence and travel, freedom of expression, freedom of the press, freedom of association, freedom of assembly, the right to a fair trial, and limiting categories of crime that were subject to the death penalty. The 2001 constitutional amendments expanded the range of individual economic rights through protection of family, expropriations, the right to work, the right to establish labor unions, and the right to fair wages.<sup>29</sup>

## Fundamental Rights and Liberties

The original text of Article 13 of the Turkish Constitution provided grounds for limiting all fundamental rights and civil liberties to protect the state’s territorial integrity, sovereignty, public order, national security, and public health. Moreover, there were specific reasons for which fundamental rights and liberties could have been limited. The 2001 amendment eliminated the general framework for these limits as shown below:

Fundamental rights and liberties may be restricted only by law and solely on the basis of the reasons stated in the relevant articles in the constitution without impinging upon their essence. These restrictions shall not conflict with the letter and spirit of the constitution, the requirements of democratic social order, and the secular republic, and the principle of proportionality.<sup>30</sup>

Besides the elimination of the framework for limits on fundamental liberties, the amendment resulted in two significant changes: First, it sought to protect fundamental rights and civil

liberties as a whole. Second, this amendment maintains the concept of proportionality that was practiced by the German constitutional court. Both these principles were used by the Turkish constitutional court prior to the 2001 amendment; however, the clarity of the amendment provided an additional guarantee for protection of fundamental rights and liberties. Therefore, this amendment brought the Turkish Constitution closer to the European Convention on Human Rights.<sup>31</sup>

It is worthwhile to mention that Turkey signed and ratified numerous international agreements on the protection of human rights. As a part of that initiative, the Turkish government began to uphold citizens' rights to file complaints with the ECHR in 1987.

Two years later, Turkey accepted the legal binding power of the court's rulings. In practice, Turkey continued to take more equally substantive measures including ratifying the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1989 that preceded its ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in April 1988 and the European Social Charter in June 1989. Furthermore, Turkey recognized the rights of citizens to press their case in a new trial in Turkey, if the decision of the ECHR found the Turkish state to have violated the convention. In 2004, constitutional amendments granted that if there was a conflict between domestic laws and international agreements with regard to fundamental rights and liberties, international agreements would supersede domestic laws. Although this topic remains controversial both domestically and internationally, a stronger implementation of the European Convention of Human Rights and other international human rights standards by Turkish courts was achieved.<sup>32</sup>

## Freedom of Expression

One of the most crucial areas of concern for the EU remains freedom of expression. In order to comply with the Copenhagen

criteria, constitutional law experts and politicians agreed to make small, yet significant changes to the Turkish Constitution. For example, Article 26 was reworded in 2001 to remove the ban on the use of Kurdish language. Previously, the ban against speaking Kurdish, which had become effective as a result of the 1982 Constitution, was successfully repealed in 1991. The elimination of the phrase “language prohibited by law” serves as a strong guarantee against future violations of freedom of expression.

Moreover, the text of Article 176 located in the preamble of the constitution was changed. The original text had stipulated that “no protection shall be afforded to thoughts and opinions contrary to Turkish national interests, the indivisibility of the State with its territory and nation, Turkish historical and moral values; Atatürk’s nationalism, his principles, reforms, and modernism.” The words “thoughts and opinions” were replaced by the word “activity.” Although it is questionable as to whether the word “activity” still addresses thoughts and ideas, the drafters of the 1982 Constitution, in effect, aimed at coercive actions contrary to Turkish national interest as opposed to opinions.<sup>33</sup>

## Freedom of Association

The original text of the 1982 Constitution banned associations from following political goals, participating in political activities, endorsing and being endorsed by other political parties, or joining labor unions, professional associations, and nonprofit foundations. Moreover, Article 33, in particular, stated that in addition to judges who have the authority to ban an association, administrative authorities too have the power to order an association to cease its activities before a court order is issued, if the state’s sovereignty, public order, or territorial integrity is compromised.

In 1995, this law was amended drastically. The new law removed the ban on political associations and parties and allowed them to participate in joint collaborations with other political groups and civil society organizations. In addition, the amended

article specified that if an association is banned from activity by an administrative authority, such a decision must be passed onto a judge within 24 hours. Then, the judge must make a decision within 48 hours. If this law is not carefully followed, then the administrative decision is no longer valid. In 2001, Article 33 was amended again.<sup>34</sup>

## Freedom of Assembly

In 2001, constitutional experts set out to change Article 34. The original text read as follows:

[The] competent administrative authority may determine the site and the route for a demonstration march in order to prevent disruption of order in urban life. The competent authority designated by law may prohibit a particular meeting and demonstration march, or postpone it for not more than two months in cases where there is a strong possibility that disturbances may arise which would seriously upset public order, where the requirement of national security may be violated, or where acts aimed at destroying the fundamental characteristics of the Republic may be committed. In cases where the law forbids all meetings and demonstration marches in districts of a province for the same reason, labor unions, and public professional organizations may not hold meetings or demonstration marches outside their own scope of activity and aims.<sup>35</sup>

The amended article expanded the extent of freedom of assembly significantly. Other aspects of the Law Concerning Public Meetings, Demonstrations, and Marches were reformed toward democratization through the second and third harmonization packages.<sup>36</sup>

## Abolition of the Death Penalty

Another area of contention in Turkey-EU relations concerned the death penalty. The 2001 reform initiatives resulted in limiting

the death penalty to crimes committed as a result of war and terrorist attacks. The third reform package went as far as revoking the terrorist crime exemption. Therefore, Turkey achieved compliance with the Sixth Additional Protocol to the ECHR.

In 2004, this article was amended once more to eliminate the death penalty altogether. Consequently, this unprecedented and swift act helped Turkey ratify the Thirteen Additional Protocol to the ECHR. In a similar decision, three other references to the death penalty in articles 15, 17, and 87 of the constitution were deleted.<sup>37</sup>

## Eradication of Torture and Mistreatment

Although the 1982 Constitution prohibits torture and mistreatment in Article 17 and the Penal Code views these inhuman acts as illegal, widespread practices of torture and mistreatment continued. In 2002, the AKP government declared its zero tolerance policy to end such violations. The second reform package reformed the Civil Servant Law, required that perpetrators would have to pay the victims damages as a result of the ECHR rulings in which case the Turkish state was held accountable to collect from the perpetrator and deliver to the victim.

Moreover, the fourth reform package did away with the requirement of obtaining the permission of competent administrative authorities to prosecute public servants and other public employees in torture and mistreatment cases. Therefore, public prosecutors can deal with the perpetrators swiftly. In 2003, the seventh reform package paved the legal groundwork to expedite trials in torture and mistreatment cases, claiming these cases should be regarded as priority to the extent that trials should continue even during judicial recess.<sup>38</sup>

## The Right to a Fair Trial

Since the Turkish Constitution did not grant the right to a fair trial to citizens, this right was added to Article 36 in 2001. However,

the overarching problem remained the status of State Security Courts, which the military-led regime that staged a coup in 1970 had established in 1973. The military generals maintained the State Security Courts and blended these institutions into the 1982 Constitution. Both civilian and military judges and public prosecutors presided over these courts that were designed to deal with national security violations. The ECHR had issued frequent criticisms of Turkey's violation of Article 6 of the European Convention on Human Rights in trials that involved the State Security Courts. In response to the public outcry, the Turkish government began the process of removing military judges and public prosecutors from these courts. The first, fourth, and sixth reform packages eliminated the courts' authoritarian protocols and replaced them with ordinary courts' procedures. However, it was not until 2004 that the State Security Courts ceased to exist.<sup>39</sup>

## Curtailing the Role of Military

The guardianship of the military in modern Turkey harkens back to historical legacy of the Ottoman Empire that was reinforced and codified in the 1961, 1971, and 1982 constitutions.<sup>40</sup> Since military generals led the interventions into civilian politics on the pretext of protecting public order, national security, and sanctity of the Republic, they dictated "exit guarantees" for the military upon relinquishing power to civilians.<sup>41</sup>

Article 118 of the 1982 Constitution, which stipulated the structure and function of the NSC, represented another authoritarian legacy in the sense that the military generals granted more power to the NSC than was already allocated to a mixed legal body consisting of civilian and military members that advised the council of ministers under the 1971 and 1961 constitutions. The significantly bolstered Article 118 of the 1982 Constitution mandates as below:

The National Security Council shall submit to the Council of Ministers its views on taking decisions and ensuring necessary

coordination with regard to the formulation, determination, and implementation of the national security policy of the State. The Council of Ministers shall give priority consideration to the decisions of the National Security Council concerning measures that it deems necessary for the preservation of the existence and independence of the state, the integrity and indivisibility of the country, and the peace and security of society.<sup>42</sup>

In spite of the NSC's unchanged structure as an advisory institution instead of an executive one, the 1982 amendment clearly increased the weight of the council's decisions.

The 2001 constitutional reform resulted in a cultural shift in the sense that civilian members of the council gained supremacy in terms of quantity when deputy prime ministers and the minister of justice were added to the council. Moreover, another amendment reiterated the advisory nature of the council, which was drafted and ratified as below:

The National Security Council submits to the Council of Ministers its advisory decisions and its views on ensuring the necessary coordination with regards to the formulation, determination, and implementation of the national security of the State.<sup>43</sup>

More significant reforms became legally binding as a result of the seventh harmonization package (Law No. 4963) in August 2003 that paved the way for curtailing the role of the military in Turkish politics.

According to Article 24, the prime minister may designate one of his deputies to submit the NSC's advisory decisions and perspectives to the council of ministers and monitor their execution upon approval by the council of ministers. Previously, the head of the NSC was responsible for this task. According to Article 25, the NSC should hold bimonthly meetings instead of monthly meetings. Furthermore, Article 26 took away the secretary general's executive authority and replaced it with secretarial duties. Article 27 changed the requirements for the appointment of the secretary general from among senior military officers. According to the new

amendment, the secretary general could be selected from either senior civilian or military officials.

Moreover, Article 28 posits that the regulation on the functions of the Secretariat of the Council should be shared with the public through announcements in the Official Gazette, thereby eliminating the tradition of secrecy and promoting transparency of the secretariat's conduct.

The seventh harmonization package enabled the Court of Accounts to monitor the financial investments and public properties controlled by the military. In 2004, a constitutional amendment revoked the last paragraph of Article 160 that had granted the right to the legislative branch to exclude the military from the Court of Accounts' review.

According to Article 58 of the Military Criminal Code, crimes committed by civilians in times of peace should not be tried in military courts. In general, the Turkish government had amended laws on civil-military relations in 1999, 2001, and 2004. Specifically, the 1999 amendment removed military judges and prosecutors from the State Security Courts. These courts were established in 1973 and run by a mixed group of military judges and civilian prosecutors to adjudicate cases involving national security crimes. In 2004, they were deemed completely unconstitutional.<sup>44</sup> In a previous attempt to reform the constitution in 2001, laws and regulations passed during the administration of the NSC regime were no longer exempt from judicial review. More importantly, the 2004 constitutional amendment also removed the representative of the Office of the General Staff from the High Board of Education.<sup>45</sup>

## Judicial Reforms

There is an inherent cultural and structural misunderstanding about the concept of judicial impartiality—that it only means institutional independence to the Turks. Clearly, physical separation of the branches is not tantamount to impartiality. In fact, the

Turkish legal system suffers from partial and politicized decisions and verdicts. The widespread belief stems from the deep-rooted notion that certain institutions do not have to abide by law. The 1961 and 1982 constitutions, drafted by the NSC, supported the military's dominant power in Turkish society. During military rule, the generals insisted on its role as defender of the state, not society. As a consequence, that authoritarian and rigid mentality still persists today among judges and public prosecutors, which explains the prevalence of politicized verdicts in a wide range of cases. The answer to this issue hinges on addressing cultural, ideological, and structural problems existing within the judiciary. As long as judges and prosecutors believe that other branches of the government including administrative and electoral bodies must uphold the law, the possibility of judicial reform remains slim in Turkey.

Moreover, judges and prosecutors do not have a tenure; therefore, they fight to maintain their careers instead of fulfilling their legal and constitutional duties. Guaranteeing job security for the members of the judiciary is the first step to ensure that judges and prosecutors respect the rule of law and remain impartial in spite of pressures from the executive, legislature, and the judiciary itself.<sup>46</sup>

Another obstacle that has contributed to the slow pace of reforms is the narrow interpretation of law from a positivist perspective. The judiciary should receive more training in line with the EU's expectations, particularly the fulfillment of the Copenhagen criteria.<sup>47</sup>

Furthermore, one of the most important impediments to police reform remains the lack of an independent and impartial judiciary. That is, if the public presses charges against the police and *Jandarma*, the prosecutors and the judges handling the cases, in turn, would rule in favor of the latter. Therefore, the average Turkish citizens with grievances against the police are less likely to report mistreatment while in custody. The lack of trust in police conduct has translated into many citizens taking their cases to the ECHR instead of domestic courts, which have a

reputation for delayed hearings and partial rulings. As discussed in chapter 3, plaintiffs have filed cases with the ECHR, demanding that the court should rule in various aspects of violations in law enforcement in addition to other matters. The ECHR has ruled swiftly. However, many of these cases have been met with delayed execution domestically.

Generally, the lack of consistent and systematic civilian oversight of the security sector has threatened the success of police reform in Turkey. Moreover, the *Jandarma* have the legal right to withhold information from the public prosecutor, which not only shields them from most scandals and absolves them of misconduct, but also provides them with a preferential status because of their connection with the military. The prevalence of these arbitrary rights for specific groups and institutions has given rise to the popular notion of “deep state” in both public and academic discussions. This term defines a powerful yet unofficial power structure within the official Turkish state that possesses strong links with criminal gangs and senior military officers.

Another possible mechanism that sought to promote transparency and public accountability was the establishing of the Human Rights Boards, an idea adopted from a successful British initiative. However, the Turkish boards were deeply linked to the Office of Presidency to serve as independent institutions. The citizens could not trust to contact the boards for fear of government reprisal. In addition, lack of funding and confidence among the NGOs about the role and aim of the boards did not help sustain them for an extended period.<sup>48</sup>

## Conclusion

In this chapter, I presented an extensive survey of constitutional, legal, and policy reforms that have influenced the institutional reform of the TNP. Specifically, relevant fundamental rights and liberties that are directly connected to police reform as well as reforms of the restrictive ATL were outlined carefully. In addition,

I highlighted the importance of Ozal's expansion of police powers and the establishment of the Office of Special Operations. Since the rule of law, transparency, and public accountability represent the foundations of the EU's security sector reform agenda, I addressed the dismal and undemocratic state of the Turkish judiciary that has contributed to the EU's concerns as expressed in the Commission's 2012 Annual Report.

In the next chapter, I explore the dynamics of EU-Turkey relations and assess Turkey's chance for membership at the European Club. Since identity and security perceptions of both sides influence the Turkish potential for membership, I will pay close attention to these factors and their impact on Turkish accession. Lastly, I will explore implications and recommendations for police reform in other contexts.

## Chapter 5

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### Conclusions and Implications

The purpose of this study is twofold. The first purpose is to trace the reasons behind the TNP's gradual displacement from the military and its reformation into a modern and capable force within a militarized democratic regime confronted by insurgency and terrorism in the early 1980s. The second purpose is to evaluate the influence of legal and human rights reforms on the TNP based on feedback from academics, bureaucrats, civil society actors, and police officers.

The major findings of this study highlight the critical importance of internal actors and endogenous factors for police reform, enhanced by the external EU anchor after Turkey was offered the status of official candidacy in 1999.

As stated in chapters 1 and 2, Prime Minister Ozal, a civilian leader, launched police reforms to prepare the force for counter-insurgency campaigns in areas outside of the military's jurisdiction. The military's professionalism and its disengagement from politics after restoration of civilian rule provided the opportunity for Ozal's government to proceed with the reforms. His attention to the police and assigning the force the job of defending the Republic on the brink of civil war renewed a sense of confidence in the police. Publicly, Ozal opposed the EU's outcries for a resolution to the Kurdish question as an infringement of Turkish

sovereignty. Privately, the Ozal administration's support for education and training exchanges between the police officers and their foreign counterparts set the precedent for the Ministry of Interior to participate actively in the implementation of Turkish security policy. The Ozal administration represents an era of political stability in contemporary Turkish history. After his death in 1993, political instability ensued. Nine coalition governments ruled the country, leaving a legacy of economic crisis, clientalism, and authoritarianism. As a result of the Turkish lack of adherence to EU democratic criteria, the EU decided to halt the Turkish accession process. Therefore, it is remarkable that the EU offered candidacy to Turkey in such a short period.<sup>1</sup>

## Theoretical Implications

This study calls Europeanization, democratization, and police reform theories into question. Following Eva Bellin's<sup>2</sup> findings, it confirms the importance of political stability to democratization and to police reform. More importantly, it indicates that police reform is feasible in a conflict setting with a civilian government in power, combating insurgency and terrorism under the watchful eyes of the military generals.

This study challenges Steven Cook's<sup>3</sup> findings in regard to the compelling influence of external actors such as the EU on the Turkish military after 2002. The point of departure, by contrast to Cook's argument centered on the post-2002 era, occurred much earlier in 1983 when the military gave the nod of approval to Ozal's demand for the TNP's active involvement in counter-insurgency. The military's disengagement from politics and tolerance of the TNP's reforms not only showed its commitment to the promotion of the latter's capacity and image, but also signaled a positive shift in the military's attitude toward the police, reinforcing the idea that politicians can govern the country effectively. In contrast to Cook's study in which he underlines the importance of the military's role in political development, this perspective

points out the critical role that the police have played in providing regime stability in the Turkish context.

The current theories on police reform do not speak to this case since they focus on police reform in democratic or post-conflict societies exclusively. In the Turkish case, since police reform occurred during internal conflict, this study questions the importance of democracy as a regime type that requires police reform.

Furthermore, this study opposes conventional knowledge that an external anchor such as the EU is a necessary and sufficient driver for police reform in a society that has oscillated between authoritarianism and democracy. As illustrated in chapter 1, the contemporary reformers have proved capable of police reform on their own precisely since the contemporary reforms are rooted in the *Tanzimat*. The genius of Ottoman reformers stemmed from their preference for institutional layering, which meant keeping the old traditions, while adding the new reforms to the old. This flexible pattern of combining the old with the new remained a permanent feature of Turkish reform history until the early 1980s when the Ozal administration's reform program led to the gradual displacement of the TNP from the military.

As indicated in chapter 1, although an abundance of theories coexist detailing the impact of the EU conditionality on candidate countries, none of them focuses on the concept of conditionality by itself. The literature on Europeanization and EU enlargement assumes that the EU has been consistent in its reform demands as a condition for membership and has only delivered accession rewards in the case of satisfactory compliance. This does not account for variation in the EU's application of conditionality in the case of certain candidate countries. Therefore, it is necessary to differentiate the post-1994 enlargement from the previous enlargement in the sense that the EU placed greater emphasis on the democratization criteria for candidates such as Cyprus, Eastern and Central European states, Malta, and Turkey.

As demonstrated in chapter 3, slow reformers such as Bulgaria and Romania joined the EU despite their inadequate fulfillment of the Copenhagen criteria. This suggests that rationalist approaches

such as enforcement by reward do not explicate these two countries' accessions. In effect, a normative approach involving the EU member states' moral commitment and the EU's responsibility toward them serves as a possible explanation for their accession.<sup>4</sup>

What triggered the EU to grant membership to Eastern European countries that were poor, underdeveloped, and post-communist? From the identity perspective, pro-EU Eastern and Central European groups exploited geography to redefine their countries as situated in the center of Europe as opposed to the eastern flanks of the continent.

In addition to this geographical restructuring, three other factors remain worthy of further discussion. First, these candidate countries defined themselves as culturally, geographically, and historically European. Second, the Central European states framed themselves as geographically closer than their Eastern neighbors. For example, Poland and the Czech Republic branded Bulgaria, Romania, and Slovakia as less European because their geographical boundaries lay in Eastern Europe. In contrast, Bulgaria and Romania branded Ukraine and Russia as less European by underlining their differences. Third, many candidate countries run public relations campaign through the media that informs the EU of the public's conciliatory and hostile views toward EU accession. These public relations campaigns add a sense of urgency to the EU that make it sympathize with the public's enthusiasm and support their accession. Analyzing the accession of Eastern European states to the EU through the lens of identity and representation offers a more robust and convincing explanation beyond materialistic and instrumental reasons. If the EU had intended to obtain access to markets and combat transnational crime networks to secure stability on its eastern borders, it could have offered the Eastern and Central European countries a less costly institutional arrangement.<sup>5</sup>

Regardless of the EU's rationalist or normative approaches to enlargement, the European Council has added a caveat that the EU's capability to integrate new members remains a crucial

consideration in the accession process. Critics view this declaration as an excuse for withholding accession from those candidate countries whose absorption costs are too high for the EU.<sup>6</sup>

As for Turkey, Schimmelfennig, Engert, and Knobel's path-breaking study of the impact of EU conditionality on the country assumes that the EU has applied conditionality fairly and consistently.<sup>7</sup> They exclude the hypothesis that the EU's reward membership upon fulfillment of the Copenhagen criteria may not be credible even after Turkey was granted official candidacy in 1999 as long as the EU keeps introducing informal criteria to the accession process. Informal criteria connote EU concerns outside of the formal Copenhagen criteria such as the Cyprus problem, the Kurdish issue, and Turkey's ties with its neighbors. This approach does not undermine the importance of the Copenhagen criteria to EU conditionality; however, it questions whether other factors have affected the EU conditionality vis-à-vis Turkey. In other words, Turkish accession does not depend on fulfillment of the Copenhagen criteria exclusively. As examined below, the case study of TNP's reforms illustrates the importance of informal criteria such as the Cyprus problem and the Kurdish question in the Turkish accession process, as opposed to existing theoretical models.

## Lessons from Police Reform in Turkey

First, police reform is most successful, if it is initiated after a politically stable government has established law and order. This does not imply that the government has to be civilian or entirely made up of civilian officials. As shown in Turkey's case, cooperation between the military and the government proved beneficial for police reform. Therefore, political stability coupled with the military's tolerance in illiberal democracies provides an indispensable variable for police reform. Undoubtedly, government commitment to police reform is crucial.

Second, historical and cultural legacies matter. Turkey, a successor to the Ottoman Empire, has been Western-oriented for centuries. Indeed, the Turkish dream for Europe precedes the EU, providing a great incentive for an ambitious goal. Police reform should not terminate with the EU-assisted deadlines. Both the EU and the candidate country should invest in long-term education and training programs. Reinforcing the significance and correct application of EU-harmonized laws should entail a series of sustained and frequent programs for judges, lawyers, and prosecutors as well as police officers. Successful police reform depends on a fair and independent judiciary.

Third, imported foreign models do not work well unless they are tailored to the host country's culture and local needs. This does not imply that donor organizations should bend human rights and democratization standards. It means that the organizations should provide sufficient education and training to instill those human rights values in police officers and administrators as a priority. Then, they should use organizational and technical reforms to revamp police agencies. Donor organization administrators should work from the bottom up, while reforming in a top-down manner. A variety of models of reform should be considered and implemented; moreover, pilot programs should be encouraged. For the candidate country, the option of having access to the UN's objective monitoring and other independent reviewers on the quality of reform is critical, as Turkey's case indicates.

This investigation rejects the conventional wisdom that institutions only change because of exogenous pressures. As stated earlier, the TNP reforms were generated internally and later enhanced by the EU reforms. Throughout both stages, domestic conditions dictated the extent and speed of the reforms. More explicitly, these incremental and fragmented reform processes are the outcome of the desire of Turkish policymakers to comply with the EU without compromising Turkey's national sovereignty. As shown previously, the Ozal government would not have been able to carry out police reforms without the military's tolerance.

The prominent role of domestic factors is underscored again in the aftermath of the 1999 Helsinki summit that was followed by a power struggle between the pro-EU and anti-EU blocs. Meanwhile, the economic stagnation and political instability combined with natural disasters fomented the public's demands for democratic reforms. Even so, most political parties did not reflect the masses' pro-EU support and instead had pledged loyalty to Kemalist principles to protect Turkish sovereignty. On the eve of the 2002 elections, however, the anti-EU block joined the pro-EU block, fearing the loss of votes to the AKP and the loss of benefits from patronage networks entrenched in the political system.<sup>8</sup>

The newly elected government of Prime Minister Erdogan showed enthusiastic support for the Turkish drive for EU accession and this support bolstered the speed and extent of reforms initially.<sup>9</sup> At this point, Turkey has fulfilled the Copenhagen criteria, arguably more than Bulgaria and Romania. Yet it is not an EU member. Amid growing opposition within the EU to Turkish accession, Turkish policymakers soon realized that the EU could no longer incur the absorption costs of Turkey's accession. Perhaps, the Turkish public understood the diminishing potential of EU membership sooner than their government. Undoubtedly, Turkish public opinion has swayed against the EU.

The decreasing desire to join the EU slowed down the process of reforms from 2007 to 2010, although the Turkish government had declared unwavering commitment to the process. According to a 2010 TESEV poll, an Istanbul-based NGO, the number of people identifying themselves as Muslims increased by 10 percent between 2002 and 2007. Nearly half of them define themselves as Islamist, which means that they believe that this illiberal ideology as opposed to secular democracy should guide Turkey's political system. This marks a significant departure from the Kemalist vision for Turkey; however, it indicates that democratization has led to pluralism and tolerance for various ideologies in the political realm. Indeed, Turks can be Western, politically secular, and Muslim simultaneously. The EU, in turn, needs to abandon the construction of Europe and Asia and the West and

Islam as incompatible and mutually exclusive identities that have long formed the basis of EU-Turkey relations.

Previously, many Turks believed that they shared values and interests with the West, thereby rendering cooperation with NATO, the United States, and the EU as advantageous. However, the 2010 Transatlantic Trends report reveals that 55 percent of Turks currently think that Turkey possesses different values from the West and that it is a non-Western country. This mentality shift marks a stark departure from the 2004 Transatlantic Trends report according to which 73 percent of Turks thought that membership in the EU would be a positive outcome. In contrast, that level of enthusiasm dropped by 38 percent in 2010. Moreover, 56 percent of the respondents view the United States as a military threat. While distrust toward the West has increased, the desire for strengthening diplomatic ties with Middle Eastern countries has risen. In 2010, 20 percent of those surveyed expressed a great deal of interest in diplomatic ties with Middle Eastern countries compared to 10 percent in 2009.<sup>10</sup> While Cagatapay interprets the rising level of Turkish public's enthusiasm for stronger ties with the Middle East as a sign of growing Islamism in the country since the beginning of the AKP administration, in my view, many Turks do not think that the EU will welcome their country despite the proven record of Turkey's commitment to massive reforms.

More specifically, Turks hold a dual approach toward Europe and the EU. On the one hand, the Kemalist elite, since the founding of the Republic by Ataturk, have tried to imitate Europe. Ataturk's revolution aimed at modernizing Turkey along European lines. On the other hand, some nationalist Turks believe that accession to Europe would ultimately result in Turkey's dismemberment, an assumption based on the Sevres treaty. According to this theory, which is deeply rooted in the collective memory of the Turks, foreign powers are constantly plotting to overthrow the Turkish state. Therefore, when EU-Turkish relations are good, the public sways toward Europe. In contrast, when EU-Turkish ties dampen,

the nationalist segments of Turkish society refer to their collective memory as justification of the widely-held conspiracy theory that the foreign powers intend to wipe out the Turkish state.

As for Turkey-US relations, the relationship between the United States and Turkey has improved significantly compared to the days of the Bush administration. After all, the Obama administration understands fully that it needs Turkey's assistance in handling conflicts in Iraq and Syria. Furthermore, the Obama administration has dubbed Turkey as the model for the region, while trying to grasp the aftermath of the Arab uprisings that have led to regional instability and conflict. The United States supports Turkey's accession to the EU wholeheartedly.

The growing tensions against Muslim communities in European countries and the EU's preoccupation with its economic woes have only entrenched the already prevalent prejudices against Turkey because it is too poor, too large, and too culturally distant from the EU. Although Turkey has remained committed to the EU accession process, it has adopted a pragmatic and independent security outlook with an emphasis on its eastern borders.

## The Kurdish Question and the Cyprus Problem

Today, the TNP as a law enforcement institution remains relevant because of its active role in addressing the resurgence of the Kurdish question in post-invasion Iraq. In spite of recent changes to Turkish foreign policy, the terrorist threat posed by the PKK will continue to provide ammunition for the conservative Kemalist circles that are opposed to Prime Minister Erdogan's efforts to reach an ultimate resolution to this conflict that has spread to social and economic facets of life and has divided Turkish society even further than in previous decades. Therefore, balancing the Kemalist and neo-Ottomanist tendencies of Turkish politics remains a daunting challenge for the Turkish government. Undoubtedly,

the Kurdish question will remain a central factor in determining Turkey's domestic and regional security policies.<sup>11</sup>

The opposition within the EU member states is not limited to France. The German government has signaled that it does not wish to discuss the free movement of workers between Germany and Turkey. Moreover, the EU-NATO cooperation remains in a gridlock because of the Cyprus conflict with Turkey. Currently, the EU has vetoed eight chapters of the EU accession process criteria because of Turkish refusal to implement the Additional Protocol extending the EU-Turkey Customs Union Agreement to Cyprus.<sup>12</sup>

From the EU perspective, Turkish accession to the EU depends on the resolution of the Cyprus conflict and the Kurdish problem. As discussed in chapter 2, the EU viewed the then 16-year-long counterinsurgency in the southeast as a premeditated campaign against the Kurds. The strong lobby of pro-Kurdish groups and their European sympathizers reinforced the EU's perspective on this contentious debate. On the other hand, the Turkish state, including the military elite, had treated Kurdish nationalism and political Islam as two significant security threats to Kemalism.

Furthermore, the Kemalists' objections to the EU's usage of the term "Kurdish minority" stems from their strict and homogenous notion of citizenship that excludes ethnic diversity. In contrast to previous coalition governments, Prime Minister Erdogan has extended an olive branch to the Kurds, culminating in the 2009 "opening" initiative that failed because of the staunch nationalist opposition within the political system. According to leading Turkish politics expert Omer Taspinar, "The Turkish state gave cultural rights to the Kurds. Now, the next step would be to grant them political rights. However, Turkey is afraid that it would not be enough. What if they want independence and autonomy? [Indoctrinating them] with Turkishness works when we give them jobs."<sup>13</sup> Presently, Turkey has developed a more successful working relationship with the local Kurdish government in northern Iraq than with its own Kurdish population.<sup>14</sup>

## Turkish and European Security Perspectives

Confronted with insurgency and terrorism in the 1980s and 1990s, the Ozal government boosted TNP's capacity to wage counterinsurgency campaigns, combat terrorism, and transnational crimes effectively. In the aftermath of the September 11, 2001, terrorist attacks and the U.S. invasion of Iraq, Turkey began to consider the Middle East as a vital area of influence. In 2002, Foreign Minister Ahmet Davutoglu presented the policy of "strategic depth" that envisioned an independent Turkey responsible for its own security as well as its neighbors'. Mr. Davutoglu went beyond Turkey's security dilemma, reiterating the "zero problems with neighbors"<sup>15</sup> aspect.

This multifaceted approach does not rely on providing security through offensive military tools, as conservative Kemalism partly implies; instead, this approach has provided the basis for the expansion of Turkey's diplomatic and economic ties with its neighbors in the Balkans, Central Asia, Caucasus, and the Middle East. Integrated with Turkey's Muslim identity and ethnic diversity, the AKP administration emphasizes the importance of "neo-Ottomanist" policies aimed at raising Turkey's status to a regional superpower. Similarly, celebrating its Ottoman past as a cultural and foreign policy approach was the cornerstone of Prime Minister Ozal's governing philosophy in the early 1980s.<sup>16</sup> Thus, Turkish accession to the EU would safeguard its borders from its eastern neighbors. Turkey's full participation in NATO, and counterterrorism expertise would bolster the EU's security arm effectively. However, playing the security card has not gained Turkey any advantage because both parties have divergent and, at times, clashing cultures of security.

From the Turkish standpoint, the EU should consider its security concerns, particularly the Cyprus problem, within the framework of the Common European Security and Defense Policy (CESDP) because of its geopolitical position between volatile

neighbors. However, the EU's perception of Turkey as an important ally only lasted during the Cold War.

As my major research findings indicate in chapter 3, Turkey and the EU have divergent perspectives on security risks. Therefore, the accession process of Eastern European countries such as Bulgaria and Romania resulted in smoother and quicker transitions than originally expected partly because both candidate countries satisfied key EU concerns in regard to transnational organized crimes and border control.

Currently, the military policy in Europe is distinct from traditional national defense in the sense that it is much more about military intervention in conflicts outside NATO's sphere that may influence Europe's security. Moreover, the concept of security now includes a wider array of risks that could endanger Europe's security. For example, armed conflicts arising from unsettled disputes or ethnic conflicts, drug trafficking, terrorism, and organized crimes represent these nonmilitary risks. Unfortunately, the Turkish security interests only converge with the EU's own security interests concerning this single area.<sup>17</sup>

Future independent and objective analyses of police reform in Turkey and other EU candidate countries should explore the long-term implications of police reform and Turkish reformers' attitudes after the EU conditionality has weakened and the EU has postponed the accession date. Conducting field research about police reform in transition countries with patrimonial heritage and strong military traditions should include careful attention to historical and structural factors; it is precisely these factors that bring pressure to bear on the scope of reform when reformers have completed EU-assisted programs. After all, a cultural shift from statist to citizen-based governance occurs gradually. In effect, the EU is asking Turkey to fulfill expectations that require abandoning Ataturk's ideology and the sanctity of the state. Full compliance with the Copenhagen criteria requires transforming a militant democracy to a liberal democracy, a task that the AKP government understands fully since it has had to maintain

a delicate balance vis-à-vis the Kemalist guard. Nevertheless, Turkey under AKP's leadership remains a strong regional power possessing a robust economy and military forces. Perhaps, Turkey may decide to abandon Ataturk's vision for a full membership and settle for a different partnership with the EU over time.

# Appendix

## The Turkish Police: Organization and Functions

The TNP, an armed civilian force, is a centralized force accountable to the Ministry of Interior in the form of the GDS. In the provinces, it functions under the command of the governors (*vali*) and district governors (*kaymakam*). Civil administrators (*mulki amir*) are responsible for the security of the towns and districts. According to legislation and practices, the central and regional structure of the police force is defined as a law enforcement unit that operates within the network of the civil administration system and carries out its duties under the command and control of the civil authority. Town mayors and heads of district administrations supervise the force.<sup>1</sup>

Currently, the police force is composed of a central organization as well as a provincial organization (81 Directorates of Provincial Police, 751 Police Directorates of Towns affiliated to Provinces, 22 Border Gates Police Directorates, 18 Free-Zone Police Stations, and 834 Police Stations in 81 Provinces). The police serve the urban areas, which include 30 percent of the land mass in Turkey. However, the *Jandarma* address the residents' needs in rural areas, covering 70 percent of Turkey's territory. The latter is responsible for the maintenance of safety and public order and is an armed security and law enforcement organization of military nature. The general command of the *Jandarma* is subordinate to the Ministry of Interior in regard to safety and public order duties. Its main duties fall into three major areas: administrative, judicial, and military.<sup>2</sup>

The Turkish Coast Guard is a national and armed military police force, established on July 9, 1982, by Law No. 2692. The Coast Guard operates under the control of the Ministry of Interior. The Coast Guard performs its missions in territorial waters, inland waters, exclusive economic zones, and other areas mentioned in its establishment by Law no. 2692.<sup>3</sup>

## The Personnel

Employees of the Turkish police are classified as serving within the Security Services Branch that includes both armed and uniformed personnel in addition to civilian personnel. The ratio of the total number of civil personnel (17,715), consisting mainly of assistant clerks and general administrative clerks, to that of uniformed personnel (175,058) is approximately 11 percent. The gendarmerie officers number approximately 280,000.<sup>4</sup> However, according to unofficial statistics, the number may exceed 300,000. Eighty percent of the existing gendarmerie staff does not consist of professional soldiers; instead, this law enforcement body consists of ordinary citizens fulfilling their national military service by serving longer terms. According to official figures, most of the 2,200-strong Coast Guard personnel consist of ordinary citizens as well.<sup>5</sup>

Taking the number of police force personnel separately, it seems that one police officer serves approximately 382 citizens. Due to economic, political, and bureaucratic reasons, most police departments are below their authorized strength in numbers. All police officers are full-time employees and there are no part-time or contracted personnel. The distribution of police personnel across the country is approximately correlated to the population density of the residential area. In contrast, including the gendarmerie officers (280,000) and coast guards (2,200) who perform police duties, the average becomes one domestic security officer per 146 citizens.<sup>6</sup>

## The Functions of the Police

The duties of the police are divided into the following four groups:

### a. Juridical Duties

In general, criminal investigations in the name of the Republic by state prosecutors, collection of evidence, apprehension of suspects, and turning suspects over to the judicial authorities make up the judicial functions of the Turkish police. In order to operate in these areas, a branch named the Juridical Police performs the above functions. According to the law, the Juridical Police has to do its work in accordance with the legal regulations and under directions from the judicial authorities. According to the Act of Police Duty and Authority (APDA), the duty of the Juridical Police starts when a crime is committed. The police officer must then conduct the following tasks: prepare inquiries, catch the criminal while committing the crime in question, bring a suspect before the court, execute the warrants for search and arrest, maintain records, arrest suspects, guard the criminals while in police custody, inform the public about the occurrence of crime, inform authorities about the death of suspects in custody, execute orders issued by public prosecutors and coroners, and carry out tasks given by the governors of each city.

### b. Political Duties

Crimes against Turkish national security and sovereignty—categorized as political crimes—fall within the duties of the Turkish police and the *Jandarma*. The police officers assigned these duties aim to protect the state, the democratic and secular Republic, the Turkish Constitution, and Atatürk's legacy. When a crime relevant to these matters is committed, the prosecution process is handled in the same manner as that described for the Juridical Police.

These crimes, for which the Juridical Police are responsible, include direct political crimes such as conspiracies against the democratic regime, sovereignty, and intervention in election procedures; in addition, they include indirect political crimes such as murdering or kidnapping a government employee for illegal political purposes. In order to combat political crimes, the police take precautions toward the maintenance of state order in accordance with the constitution; to protect individual freedom and property; to protect Atatürk's principles and his revolution; to protect government officials, foreign diplomats, missionaries, and foreign statesmen when visiting Turkey; to deal with matters related to passport, citizenship, refugees, and foreign residents; to observe and deal with matters related to political parties, unions, and associations; and to investigate cases related to the media and film industry.

### c. Administrative Duties

In general, the administrative duties of the Turkish police can also be divided into three subcategories according to their nature and structure. The police are responsible for maintaining public order, building and locating police stations in all districts, and designating a police team to undertake crime prevention. In addition, the police force's duties extend to guarding embassies and ministries. Besides the above duties, the police force is in charge of providing assistance to the elderly, patients, and children in need, as outlined in Act 7201, the Military Act, and the Act for Protection of Children in Need.

### d. Traffic Duties

The police officers designated for these duties ensure the smooth and safe flow of traffic on the roads, investigate accidents, and educate the public on traffic regulations and road safety in accordance with the Act of Highway Traffic, No. 6085 that came into effect on May 18, 1953.<sup>7</sup>

# Notes

## INTRODUCTION

1. Ahmet Davutoglu, "Turkey's Foreign Policy Vision: An Assessment of 2007," *Turkey Insight* 10, no. 1 (2008): 4.
2. Ataturk, the founder of the Turkish Republic, left behind a governing philosophy that became known as Kemalism. The state ideology rests on six principles: secularism, republicanism, populism, nationalism, statism, and reformism. In Barry Buzan and Thomas Diez, "The European Union and Turkey," *Survival* 41, no. 1 (1999): 44.
3. Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 5.
4. George and Bennett, *Case Studies*, 212–213.
5. James Mahoney and Richard Snyder, "Rethinking Agency and Structure in the Study of Regime Change," *Studies in Comparative International Development* 34, no. 2 (Summer 1999): 17.
6. The survey respondents ranged from 23- to 65-year-olds. More than half of the respondents were between 23 and 50 years old.

## I THE THEORETICAL TERRAIN

1. Michael S. Teitelbaum and Philip L. Martin, "Is Turkey Ready for Europe?," *Foreign Affairs* 82, no. 3 (May–June 2003): 100–101.
2. Metin Heper and Aylin Guney, "The Military and the Consolidation of Democracy: The Recent Turkish Experience," *Armed Forces and Society* 26, no. 4 (2000): 636.

3. Stanford J. Shaw, "Some Aspects of the Aims and Achievements of the Nineteenth-Century Ottoman Reformers," in *Beginnings of Modernization in the Middle East: The Nineteenth Century*, ed. William P. Polk and Richard L. Chambers (Chicago: University of Chicago Press, 1968), chapter one.
4. I rely on Eric Schickler's definition of institutional layering that he used to argue that congressional institutions have evolved through a "tense layering of new arrangements on top of preexisting structures." This pattern of institutional change demonstrates some elements of lock-in and innovation. See his "Disjointed Pluralism and Congressional Development: An Overview," paper presented at the 95th annual meeting of the American Political Science Association, Atlanta, September 2–5, 1999. 13.
5. Roderic H. Davidson, *Reform in the Ottoman Empire, 1856–1876* (Princeton, NJ: Princeton University Press, 1963), 25–26.
6. Stanford Shaw and Ezel K. Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 2 (London: Cambridge University Press, 1977), 46.
7. Ferdan Ergut, "State and Social Control: The Police in the Late Ottoman Empire and the Early Republican Turkey, 1839–1939" (PhD dissertation, New School for Social Research, New York, 2000), 99.
8. Shaw and Shaw, *History of the Ottoman Empire*, 38.
9. Shaw and Shaw, *History of the Ottoman Empire*, 39.
10. Davidson, *Reform in the Ottoman Empire*, 48.
11. The initial opening of the Turkish political system in the mid-1940s led to a division between the state elite in the center and an unorganized periphery. Dankwart Rastow defines this division as "military vs. civilian." Heper defines the state elite, including the military but not limited to it, as guardians of Kemalism (secular republican order) as they themselves interpreted it. The political elite or civilian bureaucratic elite comprises civilian politicians, political party operators, and bureaucratic officials who obtain positions during various administrations whether through popular election or presidential appointments.
12. Metin Heper, "The Strong State as a Problem for the Consolidation of Democracy: Turkey and Germany Compared," *Comparative Political Studies* 25, no. 2 (1992): 25, 181.

13. Heper, "The Strong State as a Problem for the Consolidation of Democracy," 189.
14. Metin Heper and Menders Cinar, "Parliamentary Government with a Strong President: The Post-1989 Turkish Experience," *Political Science Quarterly* 111, no. 3 (1996): 487.
15. Metin Heper, "State and Society in Turkish Political Experience," in *State, Democracy and the Military: Turkey in the 1980s*, ed. Metin Heper and Ahmet Evin (Berlin: Walter de Gruyter, 1988), 6.
16. Ergun Ozbudun, "Turkey: Crises, Interruptions, and Reequilibrations," in *Democracy in Developing Countries: Asia*, ed. Larry Diamond, Juan J. Linz, and Seymour Martin Lipset (Boulder: Lynne Rienner Publishers, 1989), 202–203.
17. Ozbudun, "Turkey," 218.
18. Ali Karasosmanoglu, "The Limits of International Influence for Democratization," in *Politics in the Third Republic*, ed. Metin Heper and Ahmet Evin (Boulder: Westview Press, 1994), 121.
19. James Mahoney, *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America* (Baltimore: Johns Hopkins University Press, 2001), 6.
20. Mahoney, *The Legacies of Liberalism*, 6–11.
21. Wolfgang Streeck and Kathleen Thelen, "Introduction: Institutional Change in Advanced Political Economies," in *Beyond Continuity: Institutional Change in Advanced Political Economies*, ed. Wolfgang Streeck and Kathleen Thelen (New York: Oxford University Press, 2005), 1–39.
22. Stephen D. Krasner, "Sovereignty: An Institutional Perspective," *Comparative Political Science* 21 (1988): 66–94.
23. James Mahoney and Kathleen Thelen, eds., *Explaining Institutional Change: Ambiguity, Agency, and Power* (Cambridge: Cambridge University Press, 2010), 2–3.
24. Zeki Sarigil, "Paths Are What Actors Make of Them," *Critical Policy Studies* 3, no. 1 (2009): 121–122.
25. Peter A. Hall and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44 (1996): 941.
26. Hall and Taylor, "Political Science and the Three New Institutionalisms," 942.
27. Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, *International Socialization in Europe: European Organizations*,

- Political Conditionality and Democratic Change* (Hampshire: Palgrave Macmillan, 2006), 97–110.
28. Bergit Besseney Williams, “Exporting the Democratic Deficit: Hungary’s Experience with EU Integration,” *Problems of Post-Communism* 48, no. 1 (2001): 27–28; Robert O. Keohane, Stephen Macedo, and Andrew Moravcsik, “Democracy-Enhancing Multilateralism,” *International Organization* 63 (2009): 1–31.
  29. Jon C. Pevehouse, “With a Little Help from My Friends? Regional Organizations and the Consolidation of Democracy,” *American Journal of Political Science* 46, no. 3 (2002): 623.
  30. Maria Green Cowles, James Caporaso, and Thomas Risse, eds. *Transforming Europe: Europeanization and Domestic Change* (Ithaca: Cornell University Press, 2001).
  31. Jeffrey T. Checkel, *International Institutions and Socialization in Europe* (Cambridge: Cambridge University Press, 2007).
  32. Charles Call, ed. *Constructing Justice and Security after War* (Washington, DC: United States Institute of Peace Press, 2007); John Derby and Roger Mac Ginty, *Contemporary Peacemaking: Conflict, Violence, and Peace Processes* (Houndsmill: Palgrave Macmillan, 2003).
  33. David Bayley, *Democratizing the Police Abroad: What to Do and How to Do It. Issues in International Crime* (Washington, DC: National Institute of Justice, 2001), 13.
  34. Statistically between \$4,500 and \$5,500.
  35. Eva Bellin, “The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective,” *Comparative Politics* 36, no. 2 (2004): 152–153. See also Adam Przeworski and Fernando Limongi, “Modernization: Theory and Facts,” *World Politics* 49 (1997): 155–183; Thomas Carothers, “The End of the Transition Paradigm,” *Journal of Democracy* 13, no. 1 (2002): 5–21; Steven A. Cook. *Ruling but Not Governing: The Military and Political Developments in Egypt, Algeria, and Turkey* (Baltimore: Johns Hopkins University Press, 2007), 1–13.
  36. Guillermo O’Donnell, “Transitions, Continuities, and Paradoxes,” in *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*, ed. Scott Mainwaring, Guillermo O’Donnell, and J. Samuel Valenzuela (Notre Dame: University of Notre Dame Press, 1992), 22–23.

37. Ruth Berins Collier, *Paths toward Democracy: The Working Class and Elites in Western Europe and South America* (Cambridge: Cambridge University Press, 1999), 6.
38. Ergun Ozbudun, *Contemporary Turkish Politics* (Boulder: Lynne Rienner, 2000), 141–142.
39. William Hale, “The Generals and Politicians in Turkey: 1983–1990,” *The Turkish Yearbook*, 25 (Ankara: Ankara University Press, 1995), 1–20.
40. Omer Taspinar, “Turkey’s Middle East Policies: Between Neo-Ottomanism and Kemalism,” Carnegie Paper, no. 10 (Washington, DC: Carnegie Middle East Center, 2008), 12.
41. Taspinar, “Turkey’s Middle East Policies,” 12–13.

## 2 OVERVIEW OF THE TURKISH NATIONAL POLICE: HISTORICAL CONTINUITIES AND CHANGES

1. Willard Hardman, “Kemalism: Evolution or Revolution?” (PhD dissertation, The Catholic University of America, 1990), 21–22.
2. David Bayley, prominent scholar on police, defines police as “a group authorized in the name of territorial communities to utilize force within the community to handle whatever needs doing. This formulation ties police to government in its most common contemporary forms, namely, with a territorial mandate; it excludes armies, except when they use force domestically; it excludes private regulatory forces because they are not authorized in the name of the community; and it also excludes persons whose enforcement responsibilities are restricted to specific portions of the law; finally, it does not tie policing to enforcement of law.” He notes that this definition does not provide answers about whether particular groups are really police. There are various forms of police and borderline cases also exist (in “Police Function, Structure, and Control in Western Europe and North America: Comparative and Historical Studies,” *Crime and Justice* 1 (1979): 11.
3. David Kushner, “Self Perception and Identity in Contemporary Turkey,” *Journal of Contemporary History* 32, no. 2 (1997): 219.

4. Barry Buzan and Thomas Diez, "The European Union and Turkey," *Survival* 41, no. 1 (Spring 1999): 44.
5. William Weiker, *The Modernization of Turkey* (New York: Holmes and Meier Publishers, 1981), 1.
6. In the aftermath of the 1923 revolution, the police received little attention from republican state-builders, particularly Atatürk and İsmet İnönü who were army generals. They relied on the army for domestic law and order, while the *Jandarma* (gendarmérie) were used elsewhere as their capability was restored.
7. Stanford Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 1 (London: Cambridge University Press, 1976), 87; Harold Lamb, *Suleiman the Magnificent* (New York: Pinnacle: 1956), 115 ff.
8. Halil İnalcık, *The Ottoman Empire: The Classical Age 1300–1600* (London: Weidenfeld & Nicholson, 1973), chapters 10, 12, and 13.
9. Shaw, *History of the Ottoman Empire*, vol. 1, 56–58.
10. This periodization system corresponds to the periodization in "Zabita Tarihçesi" in *Polis Okulu Brosuru* (Istanbul: Marifet Basimevi, 1937) under different names: *zabita tarihçesi*, *asakir-i mansure devri*, *zabıtiye devri*, *mutlakiyett polis*, *mesrutiyette polis*, *cumhuriyette polis*.
11. Ferdan Ergut, "State and Social Control: The Police in the Late Ottoman Empire and the Early Republican Turkey, 1839–1939" (PhD dissertation, New School for Social Research, New York, 2000), 77–78.
12. Stanford Shaw and Ezel K. Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 2 (London: Cambridge University Press, 1977), 46.
13. Ergut, "State and Social Control," 99.
14. Clive Emsley, "Control and Legitimacy: The Police in Comparative Perspective since circa 1800," in *Social Control in Europe*, ed. Pieter Spierenburg (Columbus: Ohio State University, 2004), 196–199.
15. Ali Çağlar, "Recruitment, Occupational Consciousness and Professionalism in the Turkish Police" (PhD dissertation, University of Surrey, 1994), 71–72.
16. Ergut, "State and Social Control," 100.
17. Shaw and Shaw, *History of the Ottoman Empire*, 215.

18. Sydney Nettleton Fisher and William Ochsenswald, *The Middle East: A History*, vol. 2 (New York: McGraw Hill, 1997), 317.
19. Shaw and Shaw, *History of the Ottoman Empire*, 215.
20. Caglar Keydar, *State and Class in Turkey: A Study in Capitalist Development* (London: Verso, 1987), 34.
21. Caglar, "Recruitment in the Turkish Police," 71–72. The General Directorate of Security (GDS) is the direct translation of Emniyet Umum Mudurlugu, which is referred to as the Turkish National Police in this dissertation.
22. Ergut, "State and Social Control," 149.
23. Keyder, *State and Class in Turkey*, 59.
24. Keyder, *State and Class in Turkey*, 61.
25. Ferdan Ergut, "Policing the Poor in the Late Ottoman Empire," *Middle Eastern Studies* 38, no. 2 (2002): 149–151.
26. One glance at the budget expenditure proves this point. In 1880, the Ministry of Police had 684 officers and a budget of 3,284,332 piasters. By 1908, prior to the revolution, the number of the officers had increased to 3,066 and the amount of its budget to 14,508.122 piasters, according to Dervis Okcabol, *Türk Zabita Tarihi ve Teskilati Tarihi* (Ankara: Ankara Police Institute, 1940), 75. In the second year of the CUP government, the police budget rose to 40,363,010 piasters. At the end of the CUP period, in 1918, the number of police personnel reached 6,868. The figures for the CUP era's police force are for a country that had become much smaller than the one in the Abdulhamidian era due to war.
27. Dr. Hardman explained the grievances and goals behind the 1909 counterrevolution.
28. Ergut, "State and Social Control," 193–200.
29. Ergut, "State and Social Control," 193–200.
30. Charles Tilly, *Coercion, Capital, and European States, AD 990–1990* (Cambridge: Basil Blackwell, 1990), 119.
31. David Bayley, "The Police and Political Development in Europe," in *The Formation of National States in Western Europe*, ed. Charles Tilly (Princeton: Princeton University Press, 1975), 342.
32. Stanley H. Palmer, *Police and Protest in England and Ireland, 1780–1850* (New York: Cambridge University Press, 1988), 11.
33. David Bayley, *Patterns of Policing* (New Brunswick: Rutgers University Press, 1985), 205.

34. Kemalism's interpretation of "secularism" is closer to laicism in the way that it is practiced in the French state tradition.
35. Dr. Ali Caglar, prominent scholar on the Turkish police, states that *bekci* (night watchmen) kept an eye on neighborhoods across Turkey well into the 1990s.
36. Dr. Willard Hardman, my dissertation committee advisor and expert on Ottoman Empire and modern Turkey, provided firsthand knowledge of the historical position and function of the police from 1918 until 1970. Unfortunately, there is a lacuna in literature on police and policing covering this period in both English and Turkish.
37. Ergun Ozbudun, "Turkey: Crises, Interruptions, and Reequilibrations," in *Democracy in Developing Countries: Asia*, ed. Larry Diamond, Juna J. Linz, and Seymour Martin Lipset (Boulder: Lynne Rienner Publishers, 1989).
38. Gareth Jenkins, *Context and Circumstance: The Turkish Military and Politics* (London: International Institute for Strategic Studies, 2001), 10.
39. Ilkay Sunar and Sabri Sayari, "Democracy in Turkey: Problems and Prospects," in *Transitions from Authoritarian Rule: Southern Europe*, ed. Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead (Baltimore: Johns Hopkins University Press, 1986), 179.
40. Ali Caglar, "Policing Problems in Turkey: Processes, Issues and the Future," in *Police Corruption: Paradigms, Models, and Conceptual-Challenges for Developing Countries*, ed. Stanley Einstein and Menacher Amir (Huntsville: OICJ, 2003), 416.
41. M. Hakan Yavuz and John L. Esposito, *Turkish Islam and the Secular State: The Gulen Movement* (Syracuse: Syracuse University Press, 2003), xxv.
42. Metin Heper and Menders Cinar, "Parliamentary Government with a Strong President: The Post-1989 Turkish Experience." *Political Science Quarterly* 111, no. 3 (1996): 492–493.
43. Yavuz and Esposito, *Turkish Islam and the Secular State*, xxv.
44. Jenkins, *Context and Circumstance*, 19–20.
45. Ihsan Dagı, "Human Rights, Democratization, and the European Community in Turkish Politics: The Ozal Years, 1983–87," *Middle Eastern Studies* 37, no. 1 (2001): 21.
46. Dagı, "Human Rights," 21.
47. Dagı, "Human Rights," 17–31.
48. Dagı, "Human Rights," 32.

49. Ersin Kalaycioglu, "Turkish Democracy: Patronage versus Governance," *Turkish Studies* 2, no. 1 (2001): 56. Kalaycioglu describes the Turkish police's attitudes toward the government's order-centered policies that allowed the police and the *Jandarma* to use arbitrary force against any form of opposition that threatened Turkish national security and principles of the Kemalist Republic. Note that this mentality is quite different from the EU's worldview, which has pushed for Turkish compliance with the Copenhagen criteria for human rights.
50. Abby Kleinman, "Turkish National Police Gets Long-Term Face-Lift," <http://w2.djh.dk/international/2004f/euroviews/turkey1.html> (accessed October 23, 2005).
51. "General Directorate of Security," [http://polis.osce.org/countries/details?item\\_id=74](http://polis.osce.org/countries/details?item_id=74) (accessed July 23, 2013).
52. Kleinmann, "Turkish National Police gets Long-Term Face-Lift," 2.
53. Samih Teymur and Ahmet Sait Yayla, "How did Change Help the Country of Turkey to Deal with Terrorism Effectively?" (Paper presented at the Istanbul Conference on Democracy and Global Security, Istanbul, Turkey, June 9–11, 2005), 347–8.
54. Ergun Ozbudun and Serap Yazici, *Democratization Reforms in Turkey (1993–2004)* (Istanbul: TESEV Publications, 2004), 22–23; Interview with two police academy professors, Ankara, Turkey, February 28, 2007.
55. Stephen Castle, "Turkey's Tear-Gassing of Women Hits EU Entry Bid," *The Independent*, March 8, 2005, <http://www.news.independent.co.uk/europe/story.jsp> (accessed September 28, 2009).
56. Yesim Oruc, interview with author, Ankara, March 22, 2007.
57. Ozbudun and Yazici, *Democratization Reforms*, 17.
58. Mehmet Ozcan, interview with author, Ankara, February 10, 2007.
59. R. Gultekin and Y. Z. Ozcan, "Turkiye'de Polis ve Politika Illiskisi" [Police and Political Relationships in Turkey], *Polis Bilimleri Dergisi* [Turkish Journal of Police Studies] 1, no. 4 (1999): 69.
60. Dr. Ali Caglar, interview with author, Ankara, January 29, 2007. It is public knowledge that the police are politicized and have to abide by the rules set by the majority party dominating the government in order to be promoted.
61. Ali Caglar, "Policing Problems in Turkey," 416.
62. Police unions existed during the 1970s. In fact, it was allowed according to the Turkish Constitution of 1961, but the police

- divided into two factions: *Pol-Bir* (Police Unity), which had nationalist and right-wing members, and *Pol-Der* (Police Union), which was the leftist and social democrat police association. Since Turkish society was very polarized and politically active along the Right-Left divide, many demonstrations took place during which *Pol-Bir* would tolerate the views of religious and right-wing activists, but would brutally punish the leftist demonstrators. In response, *Pol-Der* would use brutal force to punish leftist activists and students, thereby intensifying violence on the streets and deep divisions between the police. Consequently, the Turkish public memory bears many scars of police brutality and partial use of force.
63. Twelve police officers, interview with author, Ankara, January and February 2007.
  64. Ibrahim Cerrah, "The Turkish National Police," in *Almanac Turkey 2005: Security Sector and Democratic Oversight*, ed. Umit Cizre (Istanbul: TESEV Publications, 2006), 87–88.
  65. Jean-Paul Brodeur, "Police Personnel," in *The Encyclopedia of Police Science*, vol. 1, ed. Jack R. Greene (New York: Routledge, 2007), 261.
  66. During interviews, Zuhtu Arslan and Ibrahim Cerrah emphasized the lack of professionalism in gendarmerie's handling of various cases such as in the Simdinli incident. Also, in the aftermath of the Hrant Dink murder, controversy followed as several TNP officers allegedly took pictures with the murderer holding a Turkish flag and flashing victory signs, but the police denied such allegations and claims that it was the gendarmerie officers who committed this act, instigated by the military. Not surprisingly, the *Jandarma* does not hold the police in high esteem.
  67. Umit Cizre, *Prime Movers, Specific Features and Challenges of Security Sector Reform in a "Guardian State": The Case of Turkey* (Geneva: Geneva Center for the Democratic Control of the Armed Forces [DCAF], 2007), 3, 8.
  68. James Q. Wilson, *Varieties of Police Behavior: The Management of Law and Order in Eight Communities* (Cambridge: Harvard University Press, 1978), 295.
  69. Wilson, *Varieties of Police Behavior*, 281.
  70. Wilson, *Varieties of Police Behavior*, 279.

71. Andrew Goldsmith, "Turkey: Progress towards Democratic Policing?" in *Policing Developing Democracies*, ed. Mercedes S. Hinton and Tim Newburn (London and New York: Routledge, 2009), 31–50.
72. Interview with Dr. Mesut Bedri Eryilmaz, Ankara, January 2007; Mesut Bedri Eryilmaz, *Arrest and Detention Powers in English and Turkish Law and Practice in the Light of the European Convention on Human Rights* (The Hague: Martinus Nijhoff Publishers, 1999), 367.
73. Charles T. Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability* (New York: International Peace Academy, 2002), 9.

### 3 RESEARCH AND FINDINGS

1. In police studies, a contentious debate focuses on centralization versus decentralization of police departments and each trend's implications for democratic policing. Some police scholars argue that decentralized police departments are more democratic than centralized ones. Empirical evidence does not point one way or another. For instance, Izzet Lofca's study on democratic policing shows that authoritarian states such as Saudi Arabia can have a democratic police force. As for the EU political criteria, it hints at democratization through decentralization of the state where the local and provincial governments would gain more autonomy and decision-making power, for instance in the area of civilian oversight of the police force. Aydin's findings indicate that there is a trend toward decentralization in Turkey, while England and Wales's policing systems are becoming centralized. Bayley's extensive empirical research on international police systems shows that a democratic regime is a prerequisite to democratic policing, and that democratic police reform neither contributes to democracy sufficiently nor guarantees it. To this day, the Turkish police remains a government-run, centralized force.
2. Laleh Sariibrahimoglu, "Gendarmerie," *Almanac Turkey 2005: Security Sector and Democratic Oversight*, ed. Umit Cizre (Istanbul: TESEV Publications, 2006), 103.

3. In the post-Helsinki era, the Turkish military has gradually stepped away from controlling the political decision-making process. The EU demanded that Turkey's NSC should be civilian-dominated and its annual budget should be reported to the Turkish parliament, so the authoritarian 1982 Constitution that had left exit guarantees for military generals has been reformed and amended extensively. In addition, the State Security Courts have been abolished, as Ozbudun and Yazici in *Democratization Reforms in Turkey (1993–2004)* (Istanbul: TESEV Publications, 2004), 32–41. Although Turks admire their military and it remains the most popular and well-respected institution, they have demonstrated a limit to what they would tolerate from it, as Steven Cook suggests in *Ruling But Not Governing: The Military and Political Development in Egypt, Algeria, and Turkey* (Baltimore: Johns Hopkins University Press, 2007), 11–12.
4. Hale Akay, *Security Sector in Turkey: Questions, Problems, and Solutions* (Istanbul: TESEV Publications, 2010), 20.
5. Ersel Aydinli, "A Paradigmatic Shift for the Turkish Generals and an End to the Coup Era in Turkey," *The Middle East Journal* 63, no. 4 (2009): 594–595.
6. Pierre Gobinet, "Gendarmerie Alternative: Is There a Case for the Existence of Police Organizations with Military Status in the Twenty-First Century European Security Apparatus?" *International Journal of Police Science and Management* 10, no. 4 (2007): 453.
7. Derek Lutterback, "Between Police and Military: The New Security Agenda and the Rise of Gendarmeries," *Cooperation and Conflict* 39, no. 1 (2004): 49.
8. The questionnaire respondents ranged from 23- to 65-year-olds. More than half of the respondents were between 23 and 50 years old.
9. This issue does not confound the survey results because the police as a government-run agency supports the party in office officially; therefore, a police officer or a government bureaucrat would rarely go on record to admit his/her disenchantment with the government's stance toward the EU directly. The police are nationalist and conservative in the sense that they adhere to the Kemalist principles of secularism and republican state order. Since Turkish accession to the EU symbolizes the fulfillment of Ataturk's vision,

the police are more likely to at least pay lip service to this cause publicly.

10. Oli Rehn, "The Future of Turkey-EU Relations" (lecture, Brookings Institution, Washington, DC, September 23, 2009).
11. Delphine Strauss, "Erdogan Signals Fresh Drive for EU Accession," *The Financial Times of London*, January 19, 2009, <http://www.ft.com/cms/s/4ea5c86a-e5c8-11dd-afe4-0000779fd2ac> (accessed February 17, 2011).
12. David Bayley, "Law Enforcement and the Rule of Law: Is There a Tradeoff?" *Criminology and Public Policy* 2, no. 1 (November 2002): 133.
13. Mehmet Dayioglu, "Police Officers' Attitude toward Use of Force in the Turkish National Police" (PhD dissertation, City University of New York, 2007), 39–40.
14. Dayioglu, "Police Officers' Attitude toward Use of Force," 116.
15. "Spain Urged to End Detention Law." *BBC News*, <http://news.vote.bbc.co.uk/mpapps/pagetools/print/news/bbc.co.uk/2/h/europe/8255749.st> (accessed September 15, 2009); Gerard DeGroot, "America's Got to End Its Deadly Devotion to Democracy," *Christian Science Monitor*, <http://www.csmonitor.com/2009/0915/p09s02-coop.html> (accessed September 15, 2009).
16. Dan Bilefsky, "In Turkey, Trial Casts Wide Net of Mistrust." *The New York Times*, November 22, 2009, [http://www.nytimes.com/2009/11/22/world/europe/22turkey.html?\\_r=2&th+&emc=th&p](http://www.nytimes.com/2009/11/22/world/europe/22turkey.html?_r=2&th+&emc=th&p) (accessed November 23, 2009).
17. Ali L. Karaosmanoglu, "The Limits of International Influence for Democratization," in *Politics of the Third Turkish Republic*, ed. Metin Heper and Ahmet Evin (Boulder: Westview Press, 1994), 123.
18. There are several studies done on the TNP as part of completion of Masters and doctoral degrees in the United States. Izzet Lofca has identified 2003 as the beginning of the reform period and views it as an EU-led process, while mentioning Ozal's crucial role in giving importance to the police. Aydin, Caglar, Dogru, and Dayioglu have focused on police organization, structure, occupational culture, attitudes toward human rights, and job satisfaction.
19. Samih Teymur and Ahmet Sait Yayla, "How Did Change Help the Country of Turkey to Deal with Terrorism More Effectively?"

- (Paper presented at the Istanbul Conference on Democracy and Global Security, Istanbul, Turkey, June 9–11, 2005), 344.
20. Ahmet Aydin, *Police Organization and Legitimacy: Case Studies of England, Wales and Turkey* (Avebury: Aldershot, 1997), 19.
  21. I owe this information to Dr. Hardman's expertise and knowledge. The 1980s counterinsurgency or dubbed by some as "a large-scale civil war" took a toll on Turkey's formidable military. According to the International Institute for Strategic Studies, 90 thousand troops were deployed in southeastern Turkey in the beginning. After 1994, this number rose to 160 thousand. By the end of 1994, the military had deployed an astounding number of 300 thousand troops including the police, village guards, and special forces in eastern and southeastern Turkey. Nearly one-quarter of NATO's second largest military was sent to fight the PKK, cited in Fotios Moustakis and Rudra Chaudhuri, "Turkish-Kurdish Relations and the European Union: An Unprecedented Shift in the Kemalist Paradigm?" *The Mediterranean Quarterly* 16, no. 4 (Fall 2005): 81.
  22. Aydin, *Police Organization and Legitimacy*, 129–130.
  23. Aydin, *Police Organization and Legitimacy*, 129–130.
  24. The total sample of 4,543 respondents was the result of the World Value Survey, conducted between December 2000 and January 2001, which yielded a sample of 3,205 plus the European Value Survey sample of 1,330 that was conducted in 1999. Professor Yilmaz Esmer at Bogazici University in Turkey supervised both surveys. The survey questions are available on World Value Survey's website: [http://www.worldvaluessurvey.org/wvs/articles/folder\\_published/country\\_103](http://www.worldvaluessurvey.org/wvs/articles/folder_published/country_103).
  25. Liqun Cao and Velmer Burton, "Spanning the Continents: Assessing the Turkish Public Confidence in the Police," *Policing: An International Journal of Police Strategies and Management* 29, no. 3 (2006): 459.
  26. Andrew Goldsmith, "Turkey: Progress towards Democratic Policing?" in *Policing Developing Democracies*, ed. Mercedes S. Hinton and Tim Newburn (London and New York: Routledge, 2009), 31–50; Zeki Sarigili, "Europeanization as Institutional Change: The Case of the Turkish Military," *Mediterranean Politics* 12, no. 1 (2007): 41.

27. According to police organization literature, there are four structures of a police department: para-militaristic, watchman, legalistic, service-style and community policing. Of these, para-militaristic and watchman styles of policing do not readily tolerate use of force; however, legalistic and service styles of policing are also negatively connected to the use of force. As for the TNP, its centralized organization renders it para-militaristic, but its innovative citizen-based projects and its commitment to community policing resembles a service-oriented police department, as cited in Dayioglu, "Police Officers' Attitude," 23–24.
28. These poll results were taken from Polar Research, *Zaman*, April 9, 2000 and Piar-Gallup, *Milliyet*, November 8, 1999.
29. Omer Sahin, "Majority Backs Reform Package, Opinion Poll Reveals," *Today's Zaman*, [www.todayzaman.com/tweb/detaylar.do?load=print&link=205157&tazar/ad=](http://www.todayzaman.com/tweb/detaylar.do?load=print&link=205157&tazar/ad=) (accessed March 23, 2010); "Polis Guvenilir Kurum Oldu!" [www.Gazeteguncel.com](http://www.Gazeteguncel.com) (accessed April 22, 2010). The Pollmark-Setav sponsored survey was done in Adana, Ankara, Bursa, Erzurum, Gaziantep, Istanbul, Izmir, Kayseri, Malatya, Samsun, Tekirdag, and Trabzon; 3,141 people participated. The Turkish public has consistently voted the military as the most trusted institution. In a 2007 Gallup Poll, the public supported the military with an 81 percent rate of approval, while it gave 56 percent support to the AKP government which is considerably higher than poll results for the previous governments led by Bulent Ecevit.
30. Ziya Onis, "Domestic Politics: International Norms and Challenges to the State: Turkey-EU Relations in the Post-Helsinki Era," *Turkish Studies* 4, no. 1 (2003): 9–26.
31. William Hale, "Human Rights, the European Union and the Turkish Accession Process," *Turkish Studies* 4, no. 1 (Spring 2003): 118–19; 122.
32. The Treaty of Sevres has become an important point of reference in arguments from Turkish nationalists who suspect Turkey's Western allies of following a hidden agenda by the dismemberment of the Republic by advocating that Turkey's Kurds be granted special rights. Even President Suleyman Demirel spoke of a Western "conspiracy" against Turkey in that respect. Heinz Kramer, *A Changing Turkey: The Challenge to Europe and the United States* (Washington, DC: Brookings Institution Press, 2000), 257.

33. Hasan Kosebalaban, "Turkey's EU Membership: A Clash of Security Cultures," *Middle East Policy* 9, no. 2 (2002): 139.
34. Paul Kubicek, "The Earthquake, Civil Society, and Political Change in Turkey: Assessment and Comparison with Eastern Europe," *Political Studies* 50, no. 4 (September 2002): 774.
35. Ziya Onis, "Luxumburg, Helsinki, and Beyond: Towards an Interpretation of Recent Turkey-EU Relations," *Government and Opposition* 35, no. 4 (2000): 463–483.
36. After the Gothenburg European Council (June 15–16, 2001), the Turkish government began to adopt the NPAA announced on March 19, 2001. The NPAA adoption followed the beginning of the EU's Accession Partnership (AP) on March 8, 2001. This AP was of great consequence because it set out the short-term and medium-term measures necessary to ensure that Turkey meets the criteria for membership.
37. Wolfango Piccoli, "Enhancing Turkey's EU Membership Prospects via Securitized Moves: The Role of Turkish NGOs in the Country's Europeanization" (Paper presented at the 7th Annual Kokkalis Graduate Student Workshop, Harvard University, February 4, 2005).
38. This dissertation focuses on those civil society organizations that supported the EU accession process. Clearly, there are several other influential organizations that oppose the EU mandate.
39. Gamze Avci, "Turkey's EU Politics: What Justifies Reforms?" in *Enlargement in Perspective*, ed. Helene Sjursen (Oslo: ARENA, 2005), 2, 141.
40. TESEV published this book with funding from the Geneva Center for the Democratic Control of Armed Forces in 2005.
41. Dr. Ibrahim Cerrah, interview by author, Ankara, February 7, 2007.
42. Dr. Umit Cizre, interview by author, Ankara, March 8, 2007. TESEV approached the Turkish government and put forth a program for parliamentary oversight of the armed forces, but it was met with resistance due to its political nature.
43. Kubicek, Paul, "The European Union and Grassroots Democratization in Turkey," *Turkish Studies* 6, no. 3 (September 2005): 368–369.
44. Gemma Collantes Celador, et al., "Fostering an EU Strategy for Security Sector Reform in the Mediterranean: Learning from Turkish and

- Palestinian Police Reform Experiences,” *EuroMesco* (January 2008), 7–8. [http://www.euromesco.net/index.php?option=com\\_content&task=view&id=691&Itemid=48&lang=en](http://www.euromesco.net/index.php?option=com_content&task=view&id=691&Itemid=48&lang=en) (accessed September 25, 2009).
45. Yesim Uruc, interview by author, Ankara, March 22, 2007.
  46. On November 9, 2005, the Umut bookstore in Simdinli owned by Seferi Yilmaz, an alleged former PKK member who had reportedly served 15 years in prison, was bombed. One person died and six others were injured. Later the same day, shots were fired at a crowd watching the prosecutor’s crime scene investigations from a car that was said to belong to Special Sergeant Tanju Cavus, killing one bystander Ali Yilmaz and injuring four others.
  47. On November 3, 1996, the media shed light on a car accident where police chief Huseyin Kocadag, crime boss Abdullah Catli, and his girlfriend Gonca Us died, and a TPP deputy, Sedat Bucak, was seriously injured. This incident became the symbol for deep state in Turkey.
  48. “Delegation of Turkey’s Right of Reply: Turkey’s ‘Zero Tolerance Policy’ in Combating Torture and Ill-Treatment (September 28, 2007),” [http://www.osce.org/documents/html/pdf/tohtml/27128\\_en.pdf\\_s.html](http://www.osce.org/documents/html/pdf/tohtml/27128_en.pdf_s.html) (accessed April 18, 2009).
  49. Mazlum Dar, “Terorle Mucadele Kanunu Tasarisi Hakkinda Degerlendirme Raporu” (Draft Assessment Report on Anti-Terror Law), [http://www.mazlumderistanbul.org/default.asp?sayfa=rapor\\_detay&rapor=11](http://www.mazlumderistanbul.org/default.asp?sayfa=rapor_detay&rapor=11) (accessed March 2, 2011).
  50. I have focused on Bulgaria and Romania because their area, population, and size are more comparable with Turkey. Furthermore, the EU had the same concerns with all three countries; therefore, their accession experience in terms of EU’s scrutiny of human rights and democratic criteria are almost identical.
  51. Heather Grabbe, “European Union Conditionality and the *Acquis Communautaire*,” *International Political Science Review* 23, no. 3 (2002): 249–268.
  52. The European Union, “Key Findings of the Monitoring Report on Bulgaria’s Preparedness for EU accession (Brussels, 26 September 2006),” <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/345> (accessed November 15, 2010).
  53. The European Union, “Report on Progress under the Co-operation and Verification Mechanism in Bulgaria (Brussels, 12 February

- 2009),” <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/61&type=HTML> (accessed November 15, 2010).
54. Eirin Mobekk, “Police Reform in South East Europe: An Analysis of the Stability Pact Self-Studies,” in *Defense and Security Sector Governance in South East Europe: Regional Perspectives*, ed. Jan Trapanis and Philipp H. Fluri (Geneva: DECAF, 2003), 5–6.
  55. The Association Council, “Seventh Meeting of the Association Council between the European Union and Romania (Brussels, 19 March, 2001),” <http://ue.eu.int/Newsroom> (accessed November 16, 2010).
  56. Larry Watts, “Romanian Public Attitudes to Defense and Security Sector Reform” (Geneva: DECAF, 2003), 276. [se1.isn.ch/serviceengine/Files/ISN/21576/ichaptersection.../Watts.pdf](http://se1.isn.ch/serviceengine/Files/ISN/21576/ichaptersection.../Watts.pdf) (accessed November 20, 2010); Olli Rehn, “Commission Calls on the European Parliament to Give Its Assent to Bulgaria’s and Romania’s Accession to the EU” (Strasbourg: European Parliament, 2005), 3.
  57. Nicholas Sarokhanian and Yannis Stivachtis, “Fulfilling the Copenhagen Political Criteria: A Comparison between Turkey, Bulgaria, and Romania,” in *Turkey-European Union Relations: Dilemmas, Opportunities, and Constraints*, ed. Meltem Muftuler-Bac and Yannis Stivachtis (London: Lexington Books, 2008), 292.
  58. Sarokhanian and Stivachtis, “Fulfilling the Copenhagen Criteria,” 290.
  59. Salih Hakan Can, Izzet Lofca, and Bradley Chilton, “A Comparative Analysis of Democracy, Respect for Human Rights Reforms in Turkey and Fourteen Nations,” *Asia Pacific Journal of Police and Criminal Justice* 7, no. 1 (2009): 80.
  60. Kivanc Ulusoy, “Turkey and the EU: Democratization, Civil-Military Relations, and the Cyprus Issue,” *Turkey Insight* 10, no. 4 (2008): 70–71.
  61. None of the studies I cited in this chapter account for the nongovernmental actors who galvanized support for democratic political reform in Turkey and later formed a substantial pro-EU reform block.
  62. Kubicek, “The European Union and Grassroots Democratization in Turkey,” 373–374.

63. Margit Besseny Williams, "Exporting the Democratic Deficit: Hungary's Experience with EU Integration," *Problems of Post-Communism* 48, no. 1 (2001): 28.
64. Grabbe, "European Union Conditionality," 251.

#### 4 INSTITUTIONAL, LEGAL, AND POLICY CHANGES

1. Ergun Ozbudun, "Democratization Reforms in Turkey, 1993–2004," *Turkish Studies* 8, no. 2 (2007): 179, Ozbudun, "Turkey's Constitutional Reform and the 2010 Constitutional Referendum," *Mediterranean Politics* (2010), 191 (Report available at [http://www.iemed.org/observatori-en/arees-danalisi/arxiu-adjunts/anuari/med.2011/Ozbudun\\_en.pdf](http://www.iemed.org/observatori-en/arees-danalisi/arxiu-adjunts/anuari/med.2011/Ozbudun_en.pdf)).
2. Ergun Ozbudun, "Turkey's Search for a New Constitution," *Insight Turkey* 14, no. 1 (2012): 40.
3. Biriz Berksoy, "The Police Organization in Turkey in the Post-1980 Period and the Re-Construction of the Social Formation," in *Policing and Prisons in the Middle East: Formations of Coercion*, ed. Laleh Khalili and Jillian Schewdler (New York: Columbia University Press, 2010), 141.
4. Biriz Berksoy, "The Police Organization," in *Almanac Turkey 2006–2008: Security Sector and Democratic Oversight*, ed. Ali Bayramoglu and Ahmet Insel (Istanbul: TESEV Publications, 2010), 189.
5. Berksoy, "The Police Organization," 188.
6. Berksoy, "The Police Organization," 190–191.
7. Berksoy, "The Police Organization," 190.
8. Berksoy, "The Police Organization," 190.
9. Berksoy, "The Police Organization," 190.
10. Berksoy, "The Police Organization," 191.
11. Berksoy, "The Police Organization in Turkey in the Post-1980 Period," 146–147.
12. Berksoy, "The Police Organization in Turkey in the Post-1980 Period," 145–146.
13. Berksoy, "The Police Organization in Turkey in the Post-1980 Period," 146.

14. Yonah Alexander, Edgar H. Brenner, and Serhat Tutuncuoglu Krause, *Turkey: Terrorism, Civil Rights, and the European Union* (London: Routledge, 2008), 491.
15. William Hale, "The Generals and Politicians in Turkey: 1983–1990," *The Turkish Yearbook*, 25 (Ankara: Ankara University Press, 1995), 114–115.
16. Ibrahim Cerrah, "The Turkish National Police," in *Almanac Turkey 2005: Security Sector and Democratic Oversight*, ed. Umit Cizre (Istanbul: TESEV Publications, 2006), 96.
17. Hale, "The Generals and Politicians in Turkey," 111.
18. Hale, "The Generals and Politicians in Turkey," 111.
19. Hale, "The Generals and Politicians in Turkey," 111.
20. Hale, "The Generals and Politicians in Turkey," 111–112.
21. Cerrah, "The Turkish National Police," 96.
22. Ferhat Unlu, "Non-Governmental Organization," in *Almanac Turkey 2005: Security Sector and Democratic Oversight*, ed. Umit Cizre (Istanbul: TESEV Publications, 2006), 198.
23. Unlu, "Non-Governmental Organization," 163.
24. Unlu, "Non-Governmental Organization," 163.
25. Unlu, "Non-Governmental Organization," 162.
26. Berksoy, "The Police Organization," 195.
27. Ertan Bese, "Office of Special Operations," in *Almanac Turkey 2005: Security Sector and Democratic Oversight*, ed. Umit Cizre (Istanbul: TESEV Publications, 2006), 118–121.
28. Ergun Ozbudun and Serap Yazici, *Democratization Reforms in Turkey (1993–2004)* (Istanbul: TESEV Publications, 2004), 14.
29. Ozbudun, "Democratization Reforms in Turkey, 1993–2004," 180.
30. Ozbudun, "Democratization Reforms in Turkey, 1993–2004," 181.
31. Ozbudun, "Democratization Reforms in Turkey, 1993–2004," 181.
32. Ozbudun and Yazici, *Democratization Reforms*, 25–26.
33. Ozbudun and Yazici, *Democratization Reforms*, 183.
34. Ozbudun and Yazici, *Democratization Reforms*, 185–186.
35. Ozbudun and Yazici, *Democratization Reforms*, 185.
36. Ozbudun and Yazici, *Democratization Reforms*, 186.
37. Ozbudun and Yazici, *Democratization Reforms*, 186.
38. Ozbudun and Yazici, *Democratization Reforms*, 186–187.
39. Ozbudun and Yazici, *Democratization Reforms*, 186.
40. Hale, "The Generals and Politicians in Turkey," 119.

41. Ozbudun, "Democratization Reforms in Turkey, 1993–2004," 193.
42. Ozbudun, "Democratization Reforms in Turkey, 1993–2004," 193.
43. Ozbudun, "Democratization Reforms in Turkey, 1993–2004," 193–194.
44. Steven A. Cook, *Ruling But Not Governing: The Military and Political Developments in Egypt, Algeria, and Turkey* (Baltimore: Johns Hopkins University Press, 2007), 127–129.
45. Ozbudun, "Democratization Reforms in Turkey, 1993–2004," 194–195; Hale, "The Generals and Politicians in Turkey," 120–121.
46. Serap Yazici, *A Judicial Conundrum: Opinions and Recommendations on Constitutional Reforms in Turkey*, ed. Serap Yazici (Istanbul: TESEV, 2010), 30.
47. Ozan Erozdin, "Introduction," in *A Judicial Conundrum*, 11.
48. Andrew Goldsmith, "Turkey: Progress towards Democratic Policing?" in *Policing Developing Democracies*, ed. Mercedes S. Hinton and Tim Newburn (London and New York: Routledge, 2009), 31–50.

## 5 CONCLUSIONS AND IMPLICATIONS

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2. Eva Bellin, "The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective," *Comparative Politics* 36, no. 2 (2004): 152–153.
3. Steven A. Cook, *Ruling but Not Governing: The Military and Political Developments in Egypt, Algeria, and Turkey* (Baltimore: Johns Hopkins University Press, 2007), 1–13.
4. Ulrich Sedelmeier, "Eastern Enlargement: Risk, Rationality, and Role-Compliance," in *Politics of European Union Enlargement: Theoretical Approaches*, ed. Frank Schimmelfennig and Ulrich Sedelmeier (London: Routledge, 2005), 121.
5. Bahar Rumelili, "Negotiating Europe: EU-Turkey Relations from an Identity Perspective," *Insight Turkey* 10, no. 1 (2008): 101.
6. Desmond Dinan, *Ever Closer Union: An Introduction to European Integration* (Boulder: Lynne Rienner, 2005), 148.

7. Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, *International Socialization in Europe: European Organizations, Political Conditionality and Democratic Change* (Hampshire: Palgrave Macmillan, 2006), 8.
8. Ali Carkoglu, "Conclusion," *Turkish Studies* 9, no. 2 (2008): 246–247.
9. Ahmet Evin, et al., "Getting to Zero: Turkey, Its Neighbors, and the West," [http://www.bosch-stiftung.de/content/language2/downloads/Report\\_TA\\_GettingtoZeroFINAL.pdf](http://www.bosch-stiftung.de/content/language2/downloads/Report_TA_GettingtoZeroFINAL.pdf) (accessed January 15, 2011), 25.
10. Soner Cagaptay, "Sultan of the Muslim World," *Foreign Affairs* (November 2010): 2.
11. Omer Taspinar, "Turkey's Middle East Policies: Between Neo-Ottomanism and Kemalism," Carnegie Paper no. 10. (Washington, D.C.: Carnegie Middle East Center, 2008), no. 10, 1.
12. Evin et al., "Getting to Zero," 32.
13. Omer Taspinar, "Turkey's Kurdish Question: New Opportunities and Challenges" (Discussion panel, Brookings Institution, Washington, DC, December 10, 2010).
14. Anthony Shadid, "Resurgent Turkey Flexes Its Muscles around Iraq," *The New York Times*, January 4, 2011, <http://www.nytimes.com/2011/01/.../05Turkey.html?> (accessed January 5, 2011).
15. Ahmet Davutoglu, "Turkey's Foreign Policy Vision: An Assessment of 2007," *Turkey Insight* 10, no. 1 (2008): 4.
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17. Sebnem Udum, "Turkey and the Emerging European Security Framework," *Turkish Studies* 3, no. 2 (2002): 76–77.

## APPENDIX THE TURKISH POLICE: ORGANIZATION AND FUNCTIONS

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2. Cerrah, "The Turkish National Police," 87.
3. [http://polis.osce.org/countries/details.pnp.item\\_id=4&print=print](http://polis.osce.org/countries/details.pnp.item_id=4&print=print) (accessed on February 1, 2011).

4. Cerrah, "The Turkish National Police," 87.
5. As of 1982, the coastguard is no longer part of the *Jandarma*.
6. Cerrah, "The Turkish National Police," 87–88.
7. Turk Polis Teskilatini Guclendirme Vakfi (TPTGV), *Cumhuriyet'in 60 Yilinda Turk Polisi* [The Turkish Republic's Police at Sixty] (Ankara: Donmez Ofset, 1983), 21.

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